



AGENDA
Committee on Public Safety
Friday, May 13, 2016 @ 3:30 p.m.
City Council Chambers, 10th Floor, City Hall
CORRECTED 5/12/16 P.M.

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

1. **Call to Order**
 2. **Roll Call**
 3. **Minutes**
 - March 31, 2016
 - April 19, 2016
 - April 22, 2016
 4. **Public Comment on Agenda Items**
 5. **Discussion/Action:**
 - A.) RESOLUTION - Appointment of David Keeney as a 2nd Ward Member to the Board of Fire Commissioners for a term to expire June 30, 2018.
 - B.) DISCUSSION – Medical Marihuana Licensing Ordinance
 6. **Other**
 7. **Adjourn**
-
- Pending – Continued discussion regarding 3200 S. Washington **(No date set)**
 - Pending – Update on Community Police Officers with LPD
 - Pending – Discussion regarding lead



COMMITTEE

on Public Safety

DATE 5-13-16

Please print clearly to help ensure accuracy

NAME	ADDRESS	EMAIL	Representing	PHONE
left Marylen Elough	2201 PAMELA PL LANSING			
✓ Jim Ott	230 W. G. RIVER LANSING			
✓ Tim Knowton - would like to comment	404 S. Jensen, Lansing			
✓ KATHY MILES	1128 WOODBINE		RSL	
✓ David Brogram and Spoke	1270 Hagadorn Mason			
✓ Sheila Smith	610 E. G.D. River LANS			
left PAUL CLARK	LANSING			
✓ Richard W. Harris	1703 1st Ave N 4-Rental Units LANSING		Rental Prop Assn	517-290-4342
✓ BRIAN HAMILTON	4118 W. LANSING		Puff-n-Smoke	517-208-4225
✓ Kevin Pybus Spoke off	3200 N. EAST LANSING MI	Pybus1@yahoo.com		303-306-7194
✓ Eileen Forubak off	OLD EVERETT NEIGHBORHOOD	eroraback@gmail.com		
left Mary Prince	2116 PENAL ST			var 3 255 LAM
✓ Ryan Moloney	903 E. Grand River		MM8	
✓ Elaine Wamboldt	4815 TRESSA DR LANSING 48910		RSL	
Nick Calkins	Nichols Law Firm 3452 E. Lake Lansing 48923		Kind Dispers	517-432-9000

end

page 1



COMMITTEE

on Public SafetyDATE 5-13-16

Please print clearly to help ensure accuracy

NAME	ADDRESS	EMAIL	Representing	PHONE
Ref Maureen Smith			ISAP	
✓ AATE PATRECK			CCSB	517-599-0621
✓ Mary Ellen Purificato			FPCA Condo	
✓ Joshua Covert				269-873-7775
✓ Sten S Shuck	818 Cooper		Me	
✓ Joan Nelson	217 Rosamond			
✓ Nancy Mahlow	430 N			
✓ Brent Johnson				
✓ Robin Schreud				
✓ Jeff Hanks Mr.				
Kevin Brian back-on page 1				
David				
Steven Marty				

Page 2



MINUTES
Committee on Public Safety
Friday, May 13, 2016 @ 3:30 p.m.
Tenth Floor City Council Chambers – Lansing City Hall

CALL TO ORDER

The meeting called to order at 3:34 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

OTHERS PRESENT

Courtney Vincent, Council Administrative Assistant
Joseph Abood, Interim City Attorney
Mark Dotson, Deputy City Attorney
Kristen Simmons, Assistant City Attorney
David Keeney, Appointee
Marylin Ebaugh
Jim Ott
Tim Knowlton, Cannabis Patients United
Kathy Miles, Rejuvenating South Lansing
David Brogren, Cannabis Patients United
Sheila Smith
Paul Clark
Richard Williams, President, Rental Property Owners Association of Mid-Michigan
Brian Hamilton, Puff-n-Stuff
Kevin Pybus, Dispensary Owner
Eileen Roraback
Mary Ann Prince
Ryan Moloney
Elaine Womboldt, Rejuvenating South Lansing
Nick Calkins, Nichols Law Firm representing KIND Dispensary
Maureen Smith
Nate Patrick
MaryEllen Purificato, Fairfield Place Condo Association
Joshua Covert
Stan S. Shuck
Joan Nelson, Director of Allen Center
Nancy Mahlow, President of Eastside Neighborhood Organization
Brant Johnson

Robin Schneider, National Patients Rights Association
Jeffrey Hanks, MILEgalize
Steven Monty

Minutes

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE THE MINUTES OF MARCH 31, 2016; APRIL 19, 2016; AND APRIL 22, 2016 AS PRESENTED. MOTION CARRIED 3-0.

Discussion/Action:

RESOLUTION – Appointment of David Keeney as a 2nd Ward Member to the Board of Fire Commissioners for a term to expire June 30, 2018

Mr. Keeney discussed his experience and qualifications for the appointment. He previously served on the Cable Board. He would be replacing his wife Helen Keeney who due to health issues is unable to continue to serve.

MOTION BY COUNCILMEMBER DUNBAR TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF DAVID KEENEY TO THE BOARD OF FIRE COMMISSIONERS AS THE SECOND WARD MEMBER FOR A TERM ENDING JUNE 30, 2018. MOTION CARRIED 3-0.

DISCUSSION – Medical Marihuana Licensing Ordinance

Councilmember Wood requested that those who would like to comment on the second draft of the Medical Marihuana Ordinance place their names on the sign-in sheet. Public comments would be taken at the end of the meeting to allow the Interim City Attorney the opportunity to address previously submitted questions. She did allow anyone who was unable to stay for the entire meeting the opportunity to speak before the presentation by the Interim City Attorney.

Mr. Abood introduced himself, Mr. Mark Dotson, and Ms. Kristen Simmons from the City Attorney's Office, all of whom had assisted in the research for and creation of the draft ordinance. He stated that the Michigan Medical Marihuana Act (MMMA) only allowed for the transfer of medical marihuana between a Caregiver and a patient. Caregivers were restricted to serving only five patients. Mr. Abood explained that the draft Medical Marihuana Ordinance had been drafted to be consistent with the law. Mr. Abood then addressed the 28 questions submitted to him prior to the meeting. He also advised that anyone looking to get involved in the industry consult an attorney.

Question #1) Are there any other municipalities to model the draft ordinance after besides Ann Arbor, Muskegon, and Detroit that have not been challenged by the State?

Mr. Abood stated that he was not aware of any ordinances by any community that had been challenged by the State, though there had been some case law developed by the courts that had altered ordinances such as how the 2011 ordinance for the City of Lansing had been rendered moot after the ruling of the State versus McQueen. He also noted that ordinances from Muskegon, Ann Arbor, and Port Huron had served as models for the current draft, though the MMMA has had the largest influence.

Councilmember Wood asked Mr. Abood whether there were any ordinances that had been adopted by other municipalities that were, in his opinion, in violation of the MMMA. Mr. Abood replied that other than the challenge to the Detroit ordinance by private industry, which had been dismissed, he had not heard of any other suits against other ordinances. He noted that just because an ordinance has not been challenged did not determine its legality.

Question #2) Can the language concerning Caregiver rules be clarified?

Mr. Abood stated the Committee would go through the draft line by line and that it would be their responsibility to make clarifications as necessary. He added that the definition of Caregiver provided in the draft was consistent with the MMMA.

Question #3) Does this mean Caregivers cannot grow, dispense or cultivate or do any other medical marihuana business in residential zone areas which means neighborhoods?

Mr. Abood explained that the inflection of the draft ordinance was to move transfers out of neighborhoods and into business corridors in an effort to maintain the health, welfare, and safety of the neighborhoods.

Councilmember Dunbar asked if Caregivers would be able to transport the product to their patients or if the Caregivers would be forced into a cooperative or commercial scenario to reach their patients. Mr. Abood replied that provisions under the MMMA allowed for certain limited transportation of medical marihuana by patients and Caregivers. More than one Caregiver could grow their product at a facility provided the product was in a secure area only accessible by that Caregiver. Caregivers could grow their personal product in the facilities as well. Home occupation would allow for home cultivation in restricted areas but was prohibited in a multi-family structure or apartment complex.

Councilmember Dunbar suggested changing the phrase "Home Occupation" to "Home Cultivation." She then asked if a Caregiver who had patients would be allowed to grow their 72 plants in their own home. Mr. Abood clarified that home occupation was only for personal use at home and must be kept in a secure area that only the patient could access. Councilmember Dunbar asked if that provision would be unique to Lansing. Mr. Abood replied that there were other ordinances with similar provisions such as the ordinance for Muskegon. Councilmember Wood noted that Muskegon's ordinance has been in effect for six years.

Councilmember Dunbar asked if a Caregiver could take medical marihuana to a patient who did not want to go to a provisioning center. Mr. Abood replied they could as long as they were compliant with the transportation requirements of the MMMA.

Question #4) Where can Caregivers grow their products if they are not allowed to cultivate them in their homes?

Mr. Abood referred to his answer of the previous question.

Question #5) How can the City restrict the ability of Caregivers when it seems to go against what the MMMA allows Caregivers to do?

Mr. Abood's opinion was that the draft ordinance was in line with the MMMA, and suggested those with specific questions could seek the counsel of an attorney.

Question #6) Will there be a definition for the phrase "Public Nuisance" or will a reference to where the definition can be found be made in the draft ordinance?

Mr. Abood stated such changes are the responsibility of the committee and at their discretion.

Question #7) Is there anything that would prohibit a minor without a medical marihuana registration card and without a guardian to be on site at a dispensary?

Mr. Abood stated the draft ordinance requires patients to show their registration cards from the state and a picture ID to verify the identity as a patient, and operators will have to be vigilant against minors attempting access, just as sellers of alcohol need to be.

Question #8) What findings of fact, data, and police reports were used to determine the wording of the draft ordinance?

Mr. Abood listed some sources of information including continuing education from the Lansing Police Department as well as studies conducted about medical marihuana in Lansing. He noted there were too many sources to list all of them at this time.

Question #9) Would allowing cultivation in a warehouse be against federal/state law since federal law only allows for 99 plants in one location?

Mr. Abood suggested the person who asked this question speak with an attorney. Marihuana is a Schedule 1 Controlled Substance and against Federal law.

Councilmember Wood asked if the current draft of the ordinance would allow a warehouse to hold five Caregivers, each growing their maximum allowed number of plants. Mr. Abood replied that such a scenario could draw Federal scrutiny, but it would be compliant with the MMMA provided each Caregiver had their products in private, secure areas within the facility. Councilmember Dunbar expressed concern regarding the potential for facilities to draw Federal attention and the exposure caused by having a public list of licenses issued by the City. Mr. Abood noted that upcoming potential political changes could impact the laws regarding enforcement regarding medical marihuana.

Councilmember Hussain commented on neighborhood concerns regarding home occupation.

Question #10) Why would the City require inspections when they are not required under the MMMA?

Mr. Abood replied that inspections would be required to ensure the health, safety, and welfare of the citizens of the City of Lansing.

Councilmember Dunbar asked why the City would require licenses for home occupation when such information was confidential at the State level. Mr. Abood replied that licensing home occupation would ensure activities are compliant with the MMMA and safety standards for specialized electrical equipment are maintained. Licensing and inspecting home occupation would help ensure the health and safety for the patient and their neighbors.

Councilmember Wood asked if patient registrations would be publicly accessible through FOIA. Mr. Abood replied that while the licenses would be on record, there would be aspects such as patient names and possibly addresses that would be redacted. Councilmember Dunbar expressed her concern over public access of private information, especially if license information came before Council for approval. Councilmember Wood noted that at this time license approval in the draft ordinance would occur through the City Clerk's Office.

Question #11) Can it be stated more clearly in the draft ordinance that there will be no "grandfathering" of current dispensaries?

Mr. Abood stated that issues such as this would be the responsibility of the Committee.

Question #12) You have explained the language that in legal terms means there will be no grandfathering. Could you please list: There will be NO Grandfathering of any opened facility on/or before the effective date of this ordinance?

Mr. Abood reiterated that issues such as this would be the responsibility of the Committee.

Question #13) How does the ordinance apply to rental property?

Mr. Abood explained Caregivers must have their growing operation in business or industrial corridors and cannot grow in their primary residence. A principle resident of a rental property may grow for their own consumption in a secure locked area only accessible by the patient

and cannot exceed 25 percent or 300 feet, whichever is less, of their residence. Any home grow that is detectable from the curtilage of the property, whether it is from odor, light, or heat output, would be in violation of the ordinance.

Question #14) Will a grow facility located in a rental be inspected similarly to those in a rental home?

Mr. Abood replied that rental facilities in industrial areas and business corridors would be inspected, as would home occupation in rented residential units, but the requirements of the inspections would vary based on the type of grow and the location.

Councilmember Wood asked if home occupation would be inspected in addition to regular rental inspections performed by Code Compliance. Mr. Abood replied that they could, but the mechanism for enforcement was still being decided.

Question #15) Will residents of a rental unit/condo who are having problems with odor and other issues related to marihuana be able to seek assistance using the Home Cultivation Operation if they are in a residential zoned area?

Mr. Abood stated there is language in the draft ordinance against the use or cultivation of marihuana being evident beyond the curtilage of the property. In addition, Caregivers will not be allowed to grow or transfer marihuana from their primary residence.

Question #16) Can language be included that addresses establishments that abut neighborhoods?

Mr. Abood explained this was the purpose of the zoning regulations in the draft ordinance.

Question #17) Can language be included that addresses perimeter requirements around schools, churches, hospitals, etc.?

Mr. Abood mentioned the Planning and Neighborhood Development Department had conducted a study of Overlay Districts that showed there would only be two locations within the Overlay Districts available for dispensaries should dispensaries be prohibited within 1,000 feet of a church. He stressed the need for less restrictive zoning to prevent transfers from being driven underground and back into the neighborhoods.

Question #18) Can schools, churches, hospitals, etc. be prohibited from “signing off” on allowing dispensaries/cultivation centers to be located near their facilities (such as is allowed for liquor licenses)?

Mr. Abood did not know if that was allowed for liquor licenses. The Committee would address any special requirements it deems necessary for the ordinance.

Question #19) Will green crosses in advertising be prohibited?

Mr. Abood stated that policy determinations will be decided by the Committee.

Question #20) Why was Hydroworld raided by the FBI, the State Police, and Lansing Police; and why did you let that happen and no other shops were hit?

Mr. Abood stated his office has nothing to do with the action of the FBI or State Police, and the Lansing Police Department does not consult the City Attorneys' Office on open investigations. The MMMA grants certain immunities to patients with debilitating diseases who are licensed by the State and Caregivers who are licensed by the State, and the ordinance is being drafted in such a way so Caregivers and patients can avail themselves to the immunities prescribed by law.

Question #21) What happens if there are four patients who live at the same address and each is growing his/her marijuana in a residentially zoned area?

Mr. Abood stated it would be allowed under the ordinance provided each person has their own secured, locked growing facility that combined covers no more than 25 percent or 300 feet, whichever is less, of the primary residence.

Question #22) Who will be doing the background checking and will this information be made available to the public?

Mr. Abood stated the Departments responsible for inspections and enforcement was still being determined, and the information available to the public would be tempered by privacy concerns for the individuals. Councilmember Wood noted that the draft ordinance mentioned background checks being performed by the Lansing Police Department. Mr. Abood clarified that criminal background checks were required to be conducted by the LPD, but it had not yet been determined which Department would handle other, non-criminal background checks. The draft ordinance proposed prohibiting felons from participating in the marijuana industry.

Question #23) Does this set a limit on how many can be at one business address?

Mr. Abood explained that a provisioning center could have more than one Caregiver working out of that establishment to supply their patients and a cultivation center could have more than one Caregiver growing out of that facility provided they comply with requirements of the MMMA.

Question #24) Since medical marijuana is illegal in Federal law, how can a non-profit Internal Revenue 501(c)(3) be legal? Or maybe that is not what the language in this area means? Please clarify.

Mr. Abood stated he did not know if the draft ordinance contemplated 501(c)(3) organizations and advised the person asking that question to speak with an attorney.

Question #25) Please add preschool, daycare and churches to the language, because this is a city ordinance and we are allowed to have more coverage for protection of our citizens.

Mr. Abood stated the Committee would address any special requirements for social facilities.

Question #26) Does the definition of “multi-family dwelling” on Page 10, Line 23(b) include, town houses, apartment buildings and condos?

Mr. Abood stated types of residential defined as multi-family dwelling would warrant further discussion. The original intention had been to only allow home occupation in a single family detached home that serves as a patient’s primary residence.

Question #27) Can the language that is in the current ordinance be adopted with regards to the following: “One thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; a public or private college, community college, or university; a playground; a church or other structure in which religious services are conducted; a child care organization required by the Child Care Organizations Act, PA 116 of 1973, to be licensed or registered by the Michigan Department of Human Services; or a facility at which substance abuse prevention services or substance abuse treatment and rehabilitation services, as those terms are defined in Part 61 of PA 368 of 1978, MCL 333.6101 et seq., are offered”?

Mr. Abood stated the language could be added, but it would so narrowly define the allowable locations as to potentially push the operation back underground.

Question #28) Can language be added to require testing of marihuana?

Mr. Abood replied it could be added and that it could be an important component of the ordinance. He reiterated such special requirements will be decided by the Committee.

Councilmember Dunbar suggested changing the term “facility” to “cultivation center” and to actually state in the definition that cultivation centers may also be provisioning centers. She asked if a specific type of establishment had been intended for the third definition, which referred to whatever facility is used to provide assistance. Mr. Abood answered that no specific type of establishment had been in mind.

Councilmember Dunbar asked if the license would be given to the Caregiver or to the property. Mr. Abood explained that the facility would be licensed and then the Caregivers would self-report their compliance with the MMMA to allow the City to keep track of which Caregivers or patients were being assisted in the facilities. He noted that the City Council would determine any fees involved.

Councilmember Hussain said he would wait to ask his questions until the Committee went through the ordinance line by line.

Public Comment on Agenda Items

Councilmember Wood opened the floor for public comment.

Mr. Ott expressed his support for removing medical marihuana cultivation and transfers from the neighborhoods.

Mr. Knowlton expressed his opposition to the limitations the draft ordinance imposed on the rights of patients. State law did not require Caregivers to grow in a separate facility from their home. Requiring them to rent a warehouse to serve five patients was not a lucrative business model and could draw Federal attention. Mr. Knowlton asked if any independent attorney had been allowed to participate in the discussion to draft the ordinance.

Councilmember Wood clarified that the City Attorney was the one responsible to the City Council for legal questions. Other attorneys had addressed the Committee and the City Attorney has reached out to others in drafting the ordinance.

Ms. Miles suggested that a City Council Member be required to recuse him or herself from voting if he or she is a Caregiver growing medical marihuana in their own home. She also informed the Committee of a medical marihuana dispensary that had opened on Mt. Hope.

Ms. Smith requested the Committee consider any impact the other businesses in the business corridors might face as a result of the provisioning centers. She also asked that provisioning centers be prohibited within 1,000 feet of any substance abuse treatment or rehabilitation center.

Mr. Williams discussed the problems rental property owners have renting a unit previously occupied by a medical marihuana patient.

Ms. Roraback asked whether a cap would be enforced and whether the ordinance would limit the hours of operation. She also asked the Committee to consider neighborhoods located close to business corridors.

Councilmember Wood noted that there was a provision in the current draft for a cap and for hours of operation but at this time no determination has been made as to what Committee will do.

Mr. Moloney suggested the Committee move slowly through the drafting process to ensure the creation of a meaningful ordinance and suggested medical marihuana from an economic standpoint.

Ms. Womboldt spoke in support of moving the Caregivers out of the neighborhoods. She asked for considerations in air quality control such as requiring an exhaust system for provisioning centers.

Mr. Patrick suggested educating the community on ways to mitigate the problematic aspects of medical marihuana cultivation, such as the odor emissions. He noted the draft ordinance, if approved, would make the current dispensary model present in the City defunct and illegal, which would result in transactions being pushed back underground.

Mr. Abood specified only transfers between a Caregiver and his/her patient are allowed under the MMMA, which means most of the dispensaries in the City of Lansing are illegal.

Ms. Purificato expressed concern over the effects of medical marihuana home occupation and use on property values rights of the patients superseding the rights of other residents. She asked the Committee to consider condos as multi-family dwellings.

Mr. Abood noted that residents of the City of Lansing had voted in favor of allowing people over the age of 21 to possess up to an ounce of marihuana for their personal use on their private property. The growing of marihuana on personal property was not included on that ballot initiative. Ms. Purificato clarified that their problem pertained to people growing in their basement.

Mr. Covert expressed his professional objections to the limitations placed on patients and Caregivers. He suggested that an ordinance be written pertaining to regulating indoor gardening instead of singling out medical marihuana. He suggested using ordinances already on the books to address issues, using the example of the nuisance ordinance to address odor issues.

Councilmember Wood noted that the area allowed for home occupation within a residence was already outlined under the current Medical Marihuana Ordinance. The current draft ordinance intended for a patient growing their own product to be considered home occupation.

Mr. Shuck expressed opposition to licensing fees, possible HIPAA violations, and inspections for home occupation. He noted the ordinance stated there would be no transfers in residences but did not specify Caregiver or patient residence transfers. He objected to testing being mandatory, suggesting the City require labels stating the product is untested. He then expressed concern at the proliferation of dispensaries prior to the adoption of the moratorium.

Ms. Nelson expressed support for a cap on the number of dispensaries and limiting the hours of operation in consideration of all sectors of a neighborhood. She asked if background checks would extend State lines, and suggested that background checks apply nationally. She asked why the Health Department was not involved with the inspection process. She also mentioned a new dispensary that appeared to be operational.

Councilmember Wood stated any complaints about a medical marihuana dispensary should be submitted using a Citizen Complaint Form or by calling the main line for the City Attorney's Office.

Ms. Nelson asked what criteria would be used to determine whether a dispensary had been open prior to the moratorium taking effect.

Mr. Abood replied that a number of different criteria will be used. It was up to the operator to supply sufficient evidence of the operation prior to the moratorium. Mr. Abood asked that any complaints be submitted to his office in writing using the Citizen Complaint Form. If anyone had questions on how to find the form online or required assistance obtaining a form they could call the main number for the City Attorney's Office.

Ms. Mahlow expressed support of stricter zoning regulations including prohibiting provisioning centers from locating within 1,000 feet of churches and schools. She requested an establishment such as a church or a school not be allowed to write a letter of support to allow a provisioning center closer than the 1,000 foot boundary as currently allowed for a liquor store or brewery. She asked why marihuana was being treated differently than alcohol, and suggested modifying the alcohol ordinance to fit for medical marihuana.

Mr. Johnson asked if there was currently a Home Occupation Act in effect in the City of Lansing that included language regarding medical marihuana.

Councilmember Wood replied there was, but it would be repealed when the new ordinance was passed.

Mr. Johnson noted that requiring each Caregiver to rent or purchase a building to service patients would affect Caregivers tending to immediately family members in addition to the intended effect on Caregivers serving multiple patients. He asked whether all offensive/nuisance odors would be treated the same as marihuana odor. He also asked who was responsible for the patient education plan and what that plan would be.

Ms. Robin Schneider expressed her concerns regarding the draft ordinance. She stated the MMMA did not require inspections for patients or Caregivers, and it was dangerous to put multiple growers into one building because it would attract Federal attention due to it being illegal to have more than 99 plants at one address. She opposed requiring Caregivers be licensed in the City since they were already licensed and their background checked by the State. She suggested licensing the facility and requiring the facility to operate within State law, but not licensing individuals as their identities were protected under the MMMA.

Mr. Hanks suggested removing the requirement to license Caregivers and patients. He noted that Page 4, Section 3 of the draft would prevent a person being the Caregiver to an immediately family member in their home such as a parent being Caregiver to a child. He also noted that the requirement for facilities to have continuous video surveillance of the entire facility, taken at face value, would actually include monitoring the restrooms. He suggested the Committee move slowly, continue fastidiously analyzing the draft ordinance, and handle regulation through Code Enforcement and the Lansing Police Department.

Mr. Pybus expressed his opposition to the discriminatory nature of the requirements on marihuana odor and asked the Committee remember that people who reside outside of the City of Lansing are important as well. He asked the Committee keep in mind the number of patients in the area compared to the limitation of only five patients per Caregiver when setting the cap on the number of dispensaries.

Councilmember Wood stated that the City Attorney had confirmed it would be permissible to include exceptions in the ordinance pertaining to Caregivers assisting for a family member. The Committee would look into that issue further.

Mr. Brogren expressed his opposition provisions within the draft he believed went against the provisions of the MMMA.

Mr. Abood stated it was his professional opinion that the draft ordinance was within the bounds of the MMMA.

Mr. Hamilton stated he did not understand the provision on Page 6, Section 13 pertaining to proof of an insurance policy. He also suggested the Committee not set a cap on the number of dispensaries in the city.

Mr. Monty expressed his opposition to requiring Caregivers purchase or rent a business or industrial space for their operations it would added an unnecessary cost for the Caregiver and could potentially be viewed as discrimination against this particular demographic.

Councilmember Wood stated that the City Council had asked the City Attorney about the ability to enact the ordinance created in 2011, which was previously stated as not enforceable. They also tasked the City Attorney with creating an ordinance that is enforceable. She then stated that the Committee would address the second draft of the ordinance line by line at the next meeting of the Committee on Public Safety, which is scheduled for Friday, May 27, 2016 at 3:30 p.m.

ADJOURN

The meeting was adjourned at 6:20 p.m.

Submitted by,

Courtney Vincent, Administrative Assistant

Lansing City Council

Approved: May 27, 2016



MINUTES
Committee on Public Safety
Thursday, March 31, 2016 @ 2:30 p.m.
Tenth Floor, City Council Chambers – Lansing City Hall

CALL TO ORDER

The meeting called to order at 2:30 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member – absent

OTHERS PRESENT

Courtney Vincent, Administrative Assistant
Kristen Simmons, Assistant City Attorney – Arrived 2:32 p.m.
Councilmember Jody Washington, Lansing City Council – Arrived 3:06 p.m.
Elvis Ott
Jennifer Goodman
Debbie Robinson
Rick Reiman, Mi Casa Lansing
Kathy Miles
Jon Miles
Mary Prince
Paul Weisberger
Brian Hamilton, Puff N Stuff
Stan Shuck
Nickolas Galendez, Pollicella & Associates
Janet Jenkins Fleck
Pella Gabrail
Brandon Montemayor
Claude Bravers
Maureen Smith
Alena Hartsuff
Chad Morrow
Ken Murray
Pastor Coye Bouyer, Kingdom Life Church
Melea Bullock
Spencer Soka
Steve Green
Joe Friess
Courtenay Friess

Monica Watson
Paul Samways
Brendon Steiner
Amanda Germain
James Pereida
Gregory Wiggins
Sylvia Stevenson
Sam Postema
Zach Forbes
Charles Fleck
Clara Ramos
Robin Schneider, National Patients Rights Association
Brant Johnson
Mark Bessak, Got Meds Medical Marijuana Distributor
Nancy Maylow
Jeffrey Hank, MI Legalize
Matt Lenhard

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM MARCH 11, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment on Agenda Items

Councilmember Wood stated that public comment would be taken after the Committee had had the opportunity to discuss the draft medical marijuana ordinance, and she asked that only those under time constraints take the opportunity to comment at this time.

Kristen Simmons arrived at 2:32 p.m.

Mr. Rick Reiman, a medical marijuana dispensary owner in South Lansing, addressed the Committee to suggest consulting with those who have experience operating dispensaries for information to help with drafting the ordinance.

Discussion/Action:

DISCUSSION – Medical Marijuana Ordinance

Councilmember Wood stated that a draft ordinance had been provided earlier that day by Mr. Joseph Abood, Interim City Attorney, and that Mr. Abood would not be present for the meeting. She explained that the Committee would be reviewing the draft ordinance page by page and assembling a list of questions for Mr. Abood to answer. She also stressed that the ordinance was a draft only and that there could possibly be a new draft presented at the next meeting of the Committee on Public Safety, scheduled for April 15th. She noted that the current draft did not include a cap on the number of dispensaries or provisions for licensing nor a licensing component; it was based strictly on zoning requirements.

Councilmember Wood reviewed the first five pages of the draft ordinance, which included section 1301.01 – Definitions; Section 1301.02 – Application of Other Laws; and Section 1301.03 – Minimum Operational Standards of Medical Marijuana Provisioning Centers. She noted the differences from the current ordinance: that the term “provisioning centers” referred to medical marijuana dispensaries; the definition for “medical marijuana home occupation” was currently addressed through a separate ordinance, but it was anticipated that it would be repealed and replaced with the language in the draft ordinance; and the section on Application of Other Laws provided greater detail in the draft than the current ordinance. The provision for continuous monitoring of a provisioning center was a part of the current ordinance.

Councilmember Hussain asked if a provision center would be included would it be requiring the dispensary to file a security plan with the Lansing Police Department. Councilmember Wood explained that it was not included in the draft because there were no provisions for licensing in the draft.

Councilmember Wood continued the review of Section 1301.03 – Minimum Operational Standards of Medical Marihuana Provisioning Centers on page five and page six, noting that the unused medical marihuana remains was similar to the current ordinance and the packaging of products were more detailed than what was currently in place with respect to previously adopted ordinance. The prohibition on using marihuana leaf images or symbols on signage was new, but limiting placement of advertisements was similar to the current ordinance.

Councilmember Hussain asked if Section 1301.03(g) would allow for provisioning centers to share space with other businesses. Councilmember Wood said that would be included in the list of questions for the City Attorney.

Councilmember Hussain asked if public parks were included in the restrictive areas for advertisements. Councilmember Wood stated that parks were not included in the draft, and she added to the questions for the City Attorney why parks were not included and why some areas only required 500 feet instead of 1,000 feet.

Councilmember Wood continued the review of Section 1301.03 – Minimum Operational Standards of Medical Marihuana Provisioning Centers on the bottom of page six and then moved on to Section 1301.04 – Minimum Operational Standards of Medical Marihuana Cultivation Facilities on page seven. She noted that the section on cultivation facilities was new since the currently ordinance only addressed dispensaries.

Councilmember Hussain mentioned that there was no mention in the draft concerning the hours of operation for the cultivation centers. Councilmember Wood requested that issue be added to the list of questions for the City Attorney.

Councilmember Wood continued the review of Section 1301.04 – Minimum Operational Standards of Medical Marihuana Cultivation Facilities and then reviewed Section 1301.05 – Minimum Operational Standards of Medical Marihuana Home Occupations. She asked why the draft ordinance changed the maximum area for home occupation from 20 percent to 25 percent. She noted that the provision prohibiting rental registration for premises used as a Home Occupation was new to the ordinance. She asked why the allowable hours for dispensing medical marihuana had been changed from 7:00 a.m. – 7:00 p.m. to 7:00 a.m. – 9:00 p.m. She also questioned why the regulations on Home Occupation did not address distance from schools or the number of deliveries and pickups allowed per day.

Councilmember Wood reviewed Section 1301.06 – Location of Medical Marihuana Provisioning Centers, Section 1301.07 – Location of Medical Marihuana Cultivation Facilities, and Section 1301.08 – Locations of Medical Marihuana Home Occupations. She requested that zoning maps be created to depict where medical marihuana provisioning centers and cultivation centers were allowed. Councilmember Hussain and Councilmember Wood both asked that definitions be provided for the zoning districts used for each section in the draft to ensure they were the appropriate zoning districts for those facilities.

Councilmember Wood reviewed Section 1301.09 – Penalty. She asked how the process of citing violations would occur since there were no licensing provisions in the draft, if Departments would go place by place to inspect facilities and institute fines.

Councilmember Hussain asked why there were no provisions for licensing in the draft when the consensus of the majority of those who had commented at earlier meetings supported some form of licensing and regulatory framework. He also asked why no cap on the number of dispensaries was included in the draft.

Councilmember Wood asked how they would pay to make sure funds collected for violations go back to the Department doing the inspections and enforcement.

Councilmember Hussain stated he would reserve additional comment until after public comment was completed. He explained that the draft was not a strong ordinance that would enhance the credibility of the industry or protect residents.

Councilmember Wood opened the floor for public comment after reiterating that they were discussing a draft, not a final ordinance. She added that the next meeting where discussion of a potentially revised and/or different draft was scheduled for Friday, April 15th at 3:30 p.m.

Mr. Elvis Ott, a resident of Lansing, addressed the Committee to express his concerns regarding a grow house in residential areas and the impact they have on the quality of life.

Ms. Robin Schneider, legislative liaison for the National Patients Rights Association, addressed the Committee urging the addition of a licensing component to the draft ordinance. She also suggested the addition of regulations that would screen applicants for dispensaries, outlining standards of care for the patients, and that the City Council would create a committee that would include members from the different community groups and would address complaints regarding operations. She stated she would email the Committee a list of further suggestions. Councilmember Wood clarified that the Zoning Office for the City of Lansing handled residential complaints such as odors from home grow operations, and that she would ask if the Zoning Office was recommending growers put in a carbon filter to help with odor emissions as Ms. Schneider suggested. Ms. Schneider noted that there were options for assistance for those who could not afford carbon filters.

Mr. Brant Johnson, a resident of Okemos, addressed the Committee in support of a moratorium on medical marihuana dispensaries in the City of Lansing and in support of adding a licensing component to the draft ordinance. He then asked if a definition was provided in the draft for overlay districts. Councilmember Wood replied that a definition had not been included in the ordinance. She explained that she did not believe medical marihuana facilities were allowed in overlay districts, which was why information on them had been omitted. Mr. Johnson asked if that could be clarified in the draft ordinance, and Councilmember Wood replied that they would see about doing that. Mr. Johnson then asked if there would be another Committee on Public Safety meeting to address the concerns raised today. Councilmember Wood replied that the next meeting of the Committee that would address medical marihuana was scheduled for Friday, April 15, 2016 at 3:30 p.m. and that they hoped to have answers to their questions by then. She added that the answers to the questions could also result in a new draft ordinance for the next meeting.

Mr. Mark Bessak, Got Meds Medical Marihuana Distributor, addressed the Committee in support of home occupation medical marihuana and suggested that the draft ordinance include protections for home growers from who might try act against them in an inappropriate manner.

Mr. Steve Green, a resident of Lansing, addressed the Committee to question whether the draft ordinance violated the Michigan Medical Marihuana Act (MMMA), specifically the section pertaining to inspections. Councilmember Wood replied that the draft had been written by the City Attorney, and that the City Attorney would make sure the draft complied with current laws as well as zoning. She added that inspections had been a component of the previous ordinance. Mr. Green asked what the zoning regulations were for methadone clinics. Councilmember Wood replied that they would need to check what the zoning regulations were for that type of facility. Mr. Green mentioned that patients at the methadone clinic near him consumed the medication on premises and asked if that was a concern. Councilmember Wood replied that they would look into that issue.

Pastor Coye Bouyer of Kingdom Life Church addressed the Committee expressing his concerns regarding medical marihuana dispensaries. He suggested that the fines proposed in the draft were not high enough and that they should be increased.

Mr. Stan Shuck, a resident of Lansing, addressed the Committee to express his concerns that the draft ordinance went against the regulations outlined in the MMMA. He stated that outdoor growing facilities were legal under the MMMA. He also discussed his support of medical marihuana dispensaries. Councilmember Wood said they would double check whether outdoor growing facilities were legal.

Mr. Brian Hamilton, Puff N Stuff Provisional Center, addressed the Committee to express his concern over the zoning regulations proposed in the draft ordinance.

Ms. Nancy Maylow addressed the Committee to express concern over the lack of consistency for the proposed zoning regulations. She also suggested that waiver requests for the zoning regulations not be accepted for dispensaries. Councilmember Wood replied that there was nothing that would permit waivers at this time. Ms. Maylow also suggested adding provisions for licensing and regulation, and limiting dispensaries to one or two per ward.

Mr. Spencer Soka, a resident of Lansing, addressed the Committee in support of medical marihuana dispensaries.

Ms. Kathy Miles, a resident of Lansing, addressed the Committee to express her disappointment that there were no regulations in the draft ordinance for licensing, no cap on the number of dispensaries, and that the proposed fines were too low.

Mr. Chad Morrow, a resident of Gaylord, Michigan, addressed the Committee commenting that the City of Gaylord, as well as other cities in the state, was looking to Lansing for guidance on constructing their own medical marihuana ordinances. He commented that the dispensaries brought tourism income to Lansing, and he asked that the Committee keep patients in mind when discussing the draft ordinance.

Mr. Claude Bravers, a resident of Lansing, addressed the Committee in support of medical marihuana dispensaries, but also questioning if the City of Lansing could afford to enforce regulations. He questions that there were already regulations in place that could be applied to the medical marihuana dispensaries. He also suggested that the discussions on medical marihuana be televised.

Mr. Paul Weisberger addressed the Committee in support of adding provisions to the draft for licensing and in support of allowing cluster grows in the heavy industrial and industrial districts. He suggested that provisional centers could be controlled through a cap or stringent criteria.

He also suggested that the proposed fines were not steep enough and suggested that they should have criminal violations involved. He added that there should be more defined terms in the draft ordinance and a vetting process for facility applicants.

Mr. Jon Miles, a resident of Lansing, addressed the Committee to express his concern over the number of dispensaries and to suggest something be added to the draft ordinance to require a buffer between dispensary locations and residential areas.

Mr. Jeffrey Hank, MLegalize, addressed the Committee stating that outdoor growing facilities are allowed as long as the facilities are enclosed. He suggested having a variance opportunity should a facility be within a certain number of feet of the limit. He mentioned that some requirements in the draft might conflict with the provisions in the MMMA. He then asked if the City of Lansing paid membership to the regional Chamber of Commerce. Councilmember Wood replied that the City Council was not a member and did not pay the Chamber of Commerce for membership, though other officials in the City such as the Mayor did. She said that question would need to be addressed to the City's Internal Auditor.

Ms. Janet Jenkins Fleck, a resident of Lansing, addressed the Committee to express her concerns over the accessibility of marihuana to minors and to express her support for limiting the number of dispensaries and requiring licensing.

Mr. Charles Fleck, an attorney in the City of Lansing, addressed the Committee stating that the definition of "Restricted/Limited Access Area" on page three of the draft ordinance mentioned licensees, but that the draft did not have any licensing provisions. He also commented on the continuity and conflicts between the signage and the locational provisions for provisional facilities. He asked if you could have a provisional center in a place where you could not have a sign, why parks were not included, whether a soccer field would be considered a park or a playground, and also addressed some other concerns with the wording of the draft ordinance. He also asked why the ordinance spelled marihuana with an "h" instead of a "j." Councilmember Wood replied that the ordinance used "marihuana" to remain consistent with the MMMA.

Mr. Matt Lenhard addressed the Committee asking for definitions for zoning districts and what medical marihuana facilities would pay in taxes. Councilmember Wood replied that they were going to ask the City Attorney about the definitions for zoning districts. She noted that those who owned the properties would pay property taxes and state/city income taxes should be paid through employees. She stated that right now she could not verify whether facilities were paying income tax for their employees. Mr. Lenhard asked how medical marihuana facilities ended up in residential areas. Councilmember Wood stated that provisional centers would not be allowed in residential areas. Mr. Lenhard asked about home growers and Councilmember Wood replied that home businesses were allowed as long as they were not considered commercial such as in needing commercial grade equipment. Mr. Lenhard asked if it was the intention to have growers pay taxes. Councilmember Wood stated that they were not allowed to charge sales tax on medical marihuana at this point. Mr. Lenhard commented that in a separate discussion Councilmember Wood had told him that medical marihuana facilities could not pay taxes because marihuana was still illegal federally. Councilmember Wood confirmed that marihuana was still considered against the law federally.

Councilmember Wood closed public comment and reserved comment to the Committee. She requested that any other comments be submitted to her by the end of the business day on Monday, April 4th so they could be included in the questions being addressed to the City Attorney.

Councilmember Hussain stated that he wanted to make sure that clarifications on the zoning regulations for the various types of medical marihuana facilities be included in the draft ordinance. He also asked that the City Attorney explain why the two additional zoning districts were added, provide clarification on the issue of shared space, include provisions on licensing and vetting applicants including doing background checks. He also asked for clarification on the lack of consistency for required distances between various entities, and whether universities, churches, and parks were included in the original ordinance. Councilmember Wood replied that they had been included. Councilmember Hussain asked why they had been removed for the draft. He also asked why there was no cap on the number of facilities. He asked how the fines were calculated and suggested they be increased. He added that he would provide the City Attorney with any additional questions.

OTHER

PENDING

Councilmember Wood stated that they were working with Housing and Urban Development (HUD) for a representative from the Detroit Office to meet with the Committee regarding 3200 S. Washington. She hoped to have the meeting at 3200 S. Washington but, if that was not possible, then she planned on the meeting being held in close proximity to that facility. She added that also pending was an update from the Lansing Police Department on Community Police Officers. She also mentioned that the Committee had been asked to pick up the discussion regarding lead issues in the city and that they would address that issue in the future.

ADJOURN

The meeting was adjourned at 4:33 p.m.

Submitted by,

Courtney Vincent, Administrative Assistant
Lansing City Council

Approved: _____



MINUTES
Committee on Public Safety
Tuesday, April 19, 2016 @ 3:00 p.m.
Tenth Floor, City Council Chambers – Lansing City Hall

CALL TO ORDER

The meeting called to order at 3:00 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member – excused

OTHERS PRESENT

Courtney Vincent, Council Administrative Assistant
Kristen Simmons, Assistant City Attorney – Arrived 3:03 p.m.
Michael L. Polsinelli, U.S. Department of Housing and Urban Development
Doug Gordon, Michigan Office of Public Housing – HUD
Patricia Banes-Lake, Lansing Housing Commission – Arrived 3:22 p.m.
Aaron Moerland
Kathy Miles
Jon Miles
Mary Prince
Teisha Doyle
Chris Silva
Michael Hays
Todd Heywood
Alexandra Ilitch, WLNS

Minutes

Councilmember Wood pulled the minutes of March 31, 2016 from the agenda because she had not had a chance to review them. She stated they would be put on the April 22, 2016 agenda.

Public Comment on Agenda Items

Councilmember Wood stated that there would be no discussion on medical marijuana at this meeting; the discussion on medical marijuana would take place at the April 22, 2016 meeting. She then opened the floor for public comment.

Kristen Simmons arrived at 3:03 p.m.

Mr. Michael Hays, a resident of Lansing, addressed the Committee to share his experiences living at 3200 S. Washington, a Lansing Housing Commission (LHC) property, and to express his fear and concern regarding the safety and sanitation of the living conditions at the property. He stressed the need for additional security at the property.

Ms. Kathy Miles, a resident of Lansing, addressed the Committee to express her concern that the data-driven policy used by the Lansing Police Department (LPD) was not providing an accurate picture of activity in the city. She asked if Councilmember Hussain had police response statistics for the LaRoy Froh Townhouses. Councilmember Hussain replied that he did not have that information.

Ms. Mary Ann Prince, a resident of Lansing, addressed the Committee commenting that her church assisted refugees, some of whom had lived at 3200 S. Washington. She expressed her concerns regarding the safety of residents at that property.

There being no one else present who wished to address the Committee, Councilmember Wood closed the public comment.

Discussion/Action:

HUD – Discussion on regulations regarding the Lansing Housing Commission (LHC)

Councilmember Wood provided background on the history and problems concerning the LHC property South Washington Park, located at 3200 S. Washington. Councilmember Hussain displayed and discussed the pictures he had taken during a walk-through of 3200 S. Washington in January 2016. He explained that he had visited the property in late January and early March of 2016 and that both times he had witnessed which included sanitation, possible criminal activity, residents concerned for their safety and disrepair of the building in general. No visual staff or security present.

Mr. Michael Polsinelli, Field Office Director for the U.S. Department of Housing and Urban Development (HUD) office in Detroit, asked Councilmember Hussain if the pictures were all taken on the same date. Councilmember Hussain confirmed that they were from the same date. Mr. Polsinelli asked if Councilmember Hussain had found improved conditions when he returned in March. Councilmember Hussain replied that conditions had not improved. He also noted that his first visit had been on a Sunday around noon and his second visit had been mid-week from 2:30 p.m. until about 6:00 p.m., when management or maintenance staff should have been present on site, but that he had not seen any during his time there. He continued discussing the pictures depicting conditions in the hallways, stairwells, and trash room in the building and asked when the last time was that the building had been inspected by HUD or Code Compliance. He also mentioned that he had been verbally threatened during his second visit to the property, and that he had reported that incident to the police.

Councilmember Wood invited Ms. Patricia Baner-Lake, Director of the Lansing Housing Commission, to join the Committee at the table. She then stated that there had been two previous meetings of the Committee where conditions at 3200 S. Washington had been addressed. Councilmember Wood expressed her concerns that the same issues were being reported to them by numerous different sources. She stated that the goal of the Committee was to ensure the residents had a safe, clean environment to live in. She explained that the purpose of asking the representatives from HUD to attend the meeting was to learn what opportunities were available to help increase security at the facility. She also asked when the last HUD inspection for the property had taken place. She stressed that while the building belonged to HUD, the people living there were residents of Lansing, and it was important to the Committee to come to a resolution on this.

Councilmember Hussain discussed the letter sent to the Committee by Ms. Banes-Lake. Mr. Polsinelli stated that they had received a copy of the letter and reviewed it. He asked if the door mentioned in Section 1 of the letter was the general access door, and what method was used to secure the door. Councilmember Hussain replied that the door used a fob system, but that all he had needed to do to access the building when he visited was give the door a hard tug. He reported that while he did not believe the door had been fixed as of the first of March, the front door had been fixed when he was at the property in early March.

Mr. Polsinelli asked who Ms. Janele McLeod was. Ms. Banes-Lake replied that she had been the Site Manager for the LHC at 3200 South Washington.

Councilmember Hussain continued discussion of the letter. Councilmember Wood stated that Section 6 pertained to an attempt by Councilmember Dunbar to get clarification on an issue for the Ad Hoc Committee on Rental and Land Contract Housing Conditions. She relayed that Councilmember Dunbar had apologized for sending the request directly to the employees instead of following proper channels.

Councilmember Hussain continued discussion of the letter. Mr. Doug Gordon, Director of the HUD Office of Public Housing in Detroit, asked if, in regards to Section 7 of the letter, notices had been posted on resident doors. Councilmember Wood replied that notices had been posted regarding the Committee on Public Safety meeting. Councilmember Hussain explained that he had entered the building without the resident who had invited him out of respect for that resident's fear of retaliation for that invitation; he had not trespassed. He then continued to discuss the letter.

Mr. Polsinelli asked if Ms. McLeod was still on site. Ms. Banes-Lake replied that she was currently a site manager, but no longer located at the South Washington Park facility. Mr. Gordon asked where Ms. McLeod was currently located. Ms. Banes-Lake replied that she was at the LaRoy Froh Townhouses.

Councilmember Hussain concluded his review of the letter and stressed his concerns regarding the conditions at the property.

Mr. Polsinelli suggested he explain his and Mr. Gordon's roles within HUD for the audience. He explained that he was the Director of the Detroit Office, which had jurisdiction over the State of Michigan, and he was responsible for making sure HUD programs were delivered to customers. Each program had its own director, and Mr. Gordon was the director of the Public Housing program for the State of Michigan. Mr. Gordon was responsible for overseeing the Housing Commissions, such as the LHC. He reported that the LHC had seen a decrease in federal funding, putting a strain on the program's budget. He then explained that he and Mr. Gordon were there to listen and take notes, and then they would discuss with the LHC ways to improve the situation after the meeting.

Mr. Gordon agreed that conditions at 3200 S. Washington were horrible for those who lived there. He commented that bedbugs were an ongoing battle for places from hotels to private residential homes and that eradication was a very labor intensive process. He then commented that the crime issue was different because it was often a community issue and therefore required a community response. He discussed options for funding for additional security measures. Security equipment could be paid for out of the Capital Fund Program, which was an annual allocation of modernization funds that every housing commission received but that those funds could not be used to pay for personnel. Funds for personnel could come out of the Operating Subsidy, which was primarily used to fund the management and day-to-day operations of the building, decreasing funds have created competition

internally for their use. There was an emergency grant that the LHC could apply for to provide funds to assist with crime prevention, but the grant was highly competitive on a national level and required more work on the application than a formulaic grant would. He mentioned that Ms. Banes-Lake had applied for the emergency grant once before, but had been denied. He stated that outside of those options provided by HUD, the LHC could look into partnerships with non-profit organizations as well as a memorandum of agreement with local law enforcement tailored to their specific needs. He noted that the information for funding sources was available online and that Ms. Banes-Lake was aware of them.

Mr. Polsinelli asked whether any discussion had taken place regarding assistance from local law enforcement. Councilmember Wood replied that there had, and explained that there had previously been a Community Police Officer assigned to that area. She stated that a Community Police Officer had been requested again, and that the Chief of the Lansing Police Department had said the goal was to have one assigned to that neighborhood once staffing allowed. She clarified that the officer would be assigned to the area, not just 3200 S. Washington, and that it would not be an all-day presence. She stated that the city was helping where it could with security, but that it was the responsibility of the LHC and HUD to ensure the security of residents through enforcing compliance with the terms of the lease agreement. She gave as an example the situation where an applicant for an apartment passes screening, moves in, but then allows people not on the lease to move in who have not been screened. She asked what was being done to prevent this type of situation from happening. She also stressed that the trust between management and tenants at that property had to be rebuilt.

Mr. Gordon stated that police enforcement was critical and would show that there was a premium on complying with the terms of the lease. He added that they were also looking into the eviction history for this property, and he agreed that removing unauthorized people from the building was an important issue they needed to address. He stressed that it would take a combined effort from all parties to make the building a safe place to live. He then stated that he had visited 3200 S. Washington on April 18th at 8:30 a.m., after announcing his visit to management. He reported that the front door was in working order, a back door had a broken window that management was aware of and going to have repaired, the trash room was clean, and the stairwells had been clean, though there had been remnants of urine in one stairwell. He mentioned that he had spoken with some of the residents at the property. Some had told him they were happy there while others had said conditions had grown worse in the last five to ten years. The issue of parties on the third floor was also corroborated. He stated that they could assist the LHC with following through on addressing concerns mentioned today.

Mr. Polsinelli remarked that the property was an older development with a mix population of elderly and families, and commented that one of the things HUD looked at was using buildings for uses appropriate to their construction. He noted that the mixed population might not be the best for the physical structure of the building since it had originally been constructed for senior housing.

Councilmember Wood asked how often HUD properties were inspected. Mr. Gordon replied that on average they were inspected annually, though inspections could occur more often depending on the score received during the inspection. He reported that the South Washington property had its last inspection in July 2015 and had scored about 75, which was not great but was not considered failing. He clarified that the inspection score did not consider issues with crime; only building components were considered. He specified that the score of 75 meant that the facility would be inspected annually. Councilmember Hussain asked what the threshold was for annual inspections. Mr. Gordon replied that anything above 80 would be inspected every two years and over 90 would be every three years. He also noted that the

inspection standards used by HUD were nationally uniform, and that a private contractor was hired to perform the inspections.

Councilmember Wood asked how negative inspection reports were addressed and what the requirements for compliance were. Mr. Polsinelli replied that it depended on the severity of the violation. Mr. Gordon explained that immediately compliance was expected if the issue was life threatening but other deficiencies needed to be addressed prior to the next inspection. Mr. Polsinelli clarified that life threatening deficiencies were required to be fixed within 72 hours. He also stated that the Housing Commission was under a Recovery Agreement because of finance issues. Councilmember Wood stated that today was first the Council was aware of this.

Councilmember Hussain asked if the property was reinspected to ensure compliance. Mr. Polsinelli replied that the properties self-certified their compliance, or they could request another inspection to raise their score. Councilmember Hussain asked why they would not go back and inspect to make sure a life threatening deficiency was corrected. Mr. Gordon replied that that was how the program was designed. He added that if a property was failing or on the verge of failing that they would go out and do spot checks, but that they could not go out for every deficiency. They allowed for paper confirmation and proof of completion. Ms. Banes-Lake explained that a life-threatening deficiency could mean having a blocked egress and did not necessarily mean life-threatening in the conventional sense.

Councilmember Wood asked whether the LHC had made HUD aware of the numerous articles going back to 2012 about 3200 S. Washington. Mr. Gordon replied that they had been aware of a few of the articles and they did respond and follow up on the ones they identified. He commented that they expected housing authorities to address complaints for issues similar to what Mr. Hays was experiencing because that was what they were paid to do, and that they looked to the public housing authority when they received calls from residents with complaints on their programs.

Councilmember Wood mentioned the August 2015 audit report for LHC that she had just been made aware of and asked whether any of the penalties and funds that were being paid back that were non-federal dollars could have been used towards security if they had been managed differently. Mr. Gordon replied that it would depend on the source of the funds that had been improperly allocated; for example, if the funds had been for voucher assistance then they could not be used for security.

Councilmember Wood mentioned the previous decision by the Committee to hold a meeting on site at 3200 S. Washington. Mr. Polsinelli said they could do an on-site meeting.

Councilmember Wood stated she wanted to figure out how they would be proactive about addressing the problems at the property. She stressed that the cleanliness of the building makes a difference because a clean building indicates that people are paying attention. She suggested addressing the issue of residents being charged for things such as replacing door handles or for trying to get out of their lease because of the conditions in the building. Mr. Gordon remarked that the LHC could provide the Committee with their policy on charges and that the charge schedule should be posted publicly, provided with the lease agreements, and given to any who were interested in reviewing it. He specified that the application of charges was part of the lease agreement between residents and the LHC. He suggested a meeting between the tenants and the LHC, and said that it was his understanding that such a meeting had not occurred in the last year. Ms. Banes-Lake replied that that was not correct; the most recent meeting had occurred after the shooting on the property.

Councilmember Hussain stated that the respect and trust of the residents has been compromised to such a point that no one wanted to speak up out of fear of retaliation, noting that everyone he had spoken with from the property had referenced fear of retaliation from management. Mr. Polsinelli replied that there might be better attendance at the meeting with HUD in attendance. He then stated that he had reviewed the Old Everett Neighborhood Association's Action Plan that had been provided with the agenda backup and that there were some good suggestions there. They would need to discuss those suggestions, which included including security access for residents, more security in the building, and a sign-in/sign-out policy for visitors, with the LHC to see if they could make them work.

Mr. Gordon stated that they understood that residents were afraid and that there were ways of approaching that. He noted that there was a new property manager at 3200 S. Washington and the front door had been fixed. He stressed that there needed to be a multifaceted approach to resetting the mood at the property. He mentioned looking at the original purpose of the building and seeing if the current use was able to meet the needs of the eligible residents living there; perhaps a mix of elderly and disabled residents would be more appropriate for the space instead of using it for family apartments. Mr. Polsinelli asked Ms. Banes-Lake if there were currently any facilities that catered only to elderly residents. Ms. Banes-Lake replied that those facilities fell under Section 8 housing.

Councilmember Wood asked how HUD would hold the LHC accountable for the conditions at 3200 S. Washington. Mr. Gordon replied that it would be through their annual inspections, audits, and capital fund compliance. He also noted that the LHC was currently under a recovery agreement with HUD to correct the financial side of their operations. He reported that the LHC was not considered a troubled agency, scoring 35 out of 40 possible points performance wise. He outlined their next steps including continuing a dialogue with the LHC, obtain statistical data regarding crime at the facility from the Lansing Police Department, and looking into the rent non-compliance levels at the property. He explained that they would review how the property was functioning to determine if the issue was possibly poor management or how the building is serving the community. He stated that the real decision maker of the LHC was its Board of Commissioners.

Councilmember Wood commented that the number of police reports on the property might not accurately reflect the conditions because the building had reached a point where there was a call overload to the police and calls might not receive responses because they were not considered a priority.

Councilmember Hussain commented that there had been two arrests on the property within the first two months of 2016, but that there had been two dozen in the two weeks following the murder when the police increased their presence on the property. He expressed that the situation was urgent and also expressed concern at the response of the LHC to the issues discussed.

Mr. Gordon stated that HUD's focus on the LHC was on the regulatory side of things through audits and that the physical side was addressed through third party inspections that checked whether the basic housing conditions for the program were being followed. He specified that those inspections did not pick up issues with crime. He stated that they would work with the LHC to address the problems discussed today.

Councilmember Wood stated that they would provide Mr. Polsinelli and Mr. Gordon with possible dates for the on-site meeting, and that she wanted to make sure residents were aware of the meeting once a date was selected. The Committee discussed possible ways to

notify the residents of 3200 S. Washington. Ms. Banes-Lake suggested that the Committee be responsible for noticing the residents.

Councilmember Hussain asked Mr. Polsinelli if the Committee had reached out to HUD after the murder or if HUD had reached out to the City. Mr. Polsinelli explained that they reached out to Ms. Banes-Lake after learning about the murder, but that the City Council had requested the meeting today.

Councilmember Wood stated that once a date was set for the meeting that they would contact LHC for access to the building to post notices, and that they would try to schedule the meeting sometime within the next two weeks. Mr. Polsinelli asked if the meeting would be a Committee meeting or a tenant meeting. Councilmember Wood replied that it would be a Committee meeting and that they could work through the details of the flow of the meeting. Mr. Polsinelli suggested inviting the Police Chief or his designee to attend the meeting.

OTHER

PENDING

ADJOURN

The meeting was adjourned at 4:30 p.m.

Submitted by,

Courtney Vincent, Administrative Assistant

Lansing City Council

Approved: _____



MINUTES
Committee on Public Safety
April 22, 2016 @ 3:30 p.m.
Tenth Floor Conference Room – Lansing City Hall

CALL TO ORDER

The meeting called to order at 3:30 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member-arrived at 3:40 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Kristen Simmons, Assistant City Attorney
Mark Dotson, Deputy City Attorney
Meuiwaiola Alohamanaloa
Emily Horne
Marylyn Baugh
Monica Watson
Suzanne Elms-Barclay
Elaine Womboldt
David Womboldt
Kathy Miles
Deb Parrish
Brian Hamilton
Jim Ott
Teisha Doyle
Nate Patrick
Joshua Covert
Mary Ann Prince
Brandon Montemayor
Carolyn Condell
Dave Sheets
Shannon Grosum
Joanne Creede
Melissa Jeffo
HJ Leeman, Jr.
Arienne Benson
Ciaralyn Ramos
Jeffrey Hanks

DRAFT

Robin Schneider
Jim Hodge
Rosalinda Hernandez
Steve Green
Jermaine Dickens

Minutes

No action was taken on the minutes and they were moved to the next meeting.

Councilmember Wood requested to the public if they had specifics in the draft ordinance they would like addressed or questioned, please feel free to submit them in an email for clarity.

Public Comment on Agenda Items

Public Comment would be taken at the end of the meeting after the presentation the draft ordinance.

Discussion/Action:

Discussion on Draft Medical Marihuana Ordinance with City Attorney's Office

Councilmember Wood started by telling the group that the City cannot pass an enforcement ordinance that is a mandate to spend if dollars have not been appropriate for enforcement. After further review this is what the draft ordinance which was review by the Committee on March 31st was.

Currently the City Attorney has been looking at licensing models and looked at Ann Arbor and Muskegon where they currently have ordinances that comport with State law and not challenged. The State is also looking at other models, however until the State Statue is passed, it limits City ordinance passage and what the City can do. The Committee will review the draft ordinance and any questions will be taken and reviewed by Law for the next meeting. It was also noted that this draft has been sent to Departments, and therefore there is already a draft 2 in the works with the Department recommendations. Once draft #2 is done it will be forwarded to anyone that signed in with an email, therefore they were reminded again to make sure their email addresses were clear.

The Committee began with page 1 of the Medical Marihuana Ordinance which outlines the ordinance and comports with State and Federal Laws out there. Page 2 was referenced for definitions, noting that there might be a different definition, but according to this Ordinance this meaning is how it needs to be interpreted. The Committee moved onto page 3 which speaks to licensing requirements, and it was noted the caregiver does comport to state law. Councilmember Hussain referenced section (1) of 1301.03 lines 21-23 is strong enough for "grandfathering". Councilmember Wood noted there is no "grandfathering", everyone will be required to apply for a license, and the fact that a site is already an open establishment does not give them leverage over whoever wants to open. This is stated through the ordinance, part stated in the license section and at the end of the ordinance on page 12. Mr. Hussain acknowledges that the explanation answered his question.

The Committee moved further into the ordinance regarding licenses which is similar to the current ordinance. Churches are not part of this ordinance because they are not part of the State law. This was confirmed by Ms. Simmons. Councilmember Wood added that Law is still looking at the distance between schools.

The discussion moved to page 6, (19) line 19 which current is blank on the number of licenses which will be determined by the Committee after further discussions.

Page 7, Section 1301.05 is similar to what the City had in the ordinance in the past and similar examples from other cities. Councilmember Wood did acknowledge that currently “testing” is not listed but there is potential it might be added, and the Committee will take comments on that topic.

Councilmember Hussain referenced page 9, line 7 currently blank on the hours of operation. Councilmember Wood acknowledged that the hours have not been set yet.

The Committee moved onto page 9, Section 1301.06 which notes a caregiver can no longer cultivate in their homes. Councilmember Dunbar asked why that was written that way. Councilmember Wood referred to Ms. Simmons noting that it was modeled after Ann Arbor and Muskegon which have not been challenged. Ms. Simmons confirmed they drafted this ordinance after Muskegon, Ann Arbor and Detroit.

Councilmember Dunbar asked if there are other municipalities to model after that have been challenged, to cultivate from. Ms. Simmons stated she would look into others. Councilmember Wood noted that the conversations have been to get them out of the neighborhoods. Councilmember Dunbar also acknowledged there is competing interests, and once out of the neighborhoods then where. The burden is back on the caregivers to rent something out of their homes.

Councilmember Wood pointed out that this draft ordinance allows for multiple care givers to be at a certain location. If caregiver has a locked area to grow, they can all grow in the same facility. Councilmember Dunbar pointed out that it appears to be similar to an entrepreneur incubator, and a care giver could have 72 plants just not in their home. Councilmember Wood confirmed there would be no limit on caregivers and in a warehouse with locked units or they could rent from a place that was created. Councilmember Dunbar asked if the vision was similar to a co-op scenario but isolating their own plants, all for servicing their patients. Councilmember Wood admitted they are all general overviews now, and taking all comments into consideration.

Councilmember Hussain referred to page 10, lines 13-16 which speaks to where no medical marihuana facility or dispensary to be located, noting after referencing Detroit that this is not restrictive so why was the language pulled. Councilmember Wood noted this Section was based off of State language, and the City can become more restrictive and is enforceable if we are.

Councilmember Dunbar asked if this was a general recreational marihuana ordinance there would be different enforcement, however the City is talking about medicinal. There are no prohibitions from pharmacies such as Rite Aid, Walgreens, CVS, so since this is a medicinal situation can the City restrict any more than a pharmacy.

The Committee moved onto Section 1301.09, and Councilmember Hussain referenced page 11, line 16 asking if the City will define “public nuisance” or make a reference. Ms. Simmons clarified that “public nuisance” is already defined in the codified ordinance, but Law can look into it if the Committee wants something.

Lastly the Committee reviewed page 12 which spoke to penalties and discipline, acknowledge the terms were not defined yet, however made not that the City cannot charge more than it costs to do with the City and they have to justify the costs. Operating without licenses will be handled under other codified ordinances.

Councilmember Hussain asked if there is anything that prohibits minor without a registration card and without a guardian on site. Councilmember Wood asked Ms. Simmons to review the previous ordinance.

Ordinance Imposing a Moratorium on the Issuance of Licenses for Medical Marihuana Establishment

Councilmember Wood stated the for the Committee and public present that this proposed ordinance would impose a Moratorium on any new establishments opened after April 25, 2016, until the City completes the Medical Marihuana Ordinance. This will allow the City to take steps to close any new facilities based on the Moratorium Ordinance. The public hearing and the adoption will all take place on May 2, 2016 at the Council meeting at 5:00 p.m. This ordinance was drafted similar to the earlier moratorium ordinance.

Councilmember Dunbar asked if there will be a way to create a database so that the City will know what is currently established. Possibly from the business licenses of the County DBA database.

Councilmember Wood confirmed that Law did not advise that, and that this ordinance will authorize that there are no new established open after the enforced date in the ordinance and they would have to present proofs they indeed were open before the date. Law indicated they did not want any establishments to be given the assumption that they were open legally under the law.

Councilmember Dunbar then questioned how the City is going to know if an establishment wasn't already open before April 25th. Councilmember Wood stated the plan would be that they would have to give proofs to the City Attorney office which could include lease, ownership, utility bills in their names, etc. Councilmember Dunbar recalled with the last moratorium the Council stated that anyone operating now in the City as a facility will be required to put their name on the list, and if they are not on the list they would not be counted as an existing establishment, therefore it was up to them to self-report. Councilmember Wood acknowledges she understands the proposal but that was before we had the Appeal Court ruling indicating dispensaries are illegal.

The plan is to receive complaints and then the burden of proof will be on the establishment. Ms. Simmons added that the lease will not be the only decision making factor, they would need to provide enough evidence, and if they do not have anything, Law will look at other avenues. Councilmember Hussain spoke on a concern with the complaint basis and whether there would be proper enforcement.

Councilmember Wood was assured by the City Attorney they will follow thru with all complaints. Goal is to work in tandem with the finalization of the Medical Marihuana Ordinance and move that thru the pipeline to allow the City to issue licenses sooner than later, hopefully by the end of June.

MOTION BY COUNCILMEMBER DUNBAR TO INTRODUCE THE ORDINANCE ON IMPOSING A MORATORIUM ON THE CREATION OF NEW MEDICAL MARIHUANA ESTABLISHMENTS AND SETTING THE PUBLIC HEARING FOR MAY 2, 2016 @ 5 P.M. MOTION CARRIED 3-0.

Public Comment

Mr. Hanks spoke in opposition to the Medical Marihuana Ordinance stating his opinion it was poorly drafted and asked what findings of fact, data and police reports were used to determine the ordinance wording. Mr. Hanks then began reviewing the ordinance page by page starting

on page 2, line 8. Councilmember Wood asked Mr. Hanks to submit his details in an email if he was going to go line by line of the ordinance. Mr. Hanks questioned the changes to caregiver noting that under the MMA it allows the caregivers to do what they can do, added that the City needs provisional centers, and the 5th amendments covers residents from stating anything about their medical marihuana use. Mr. Hanks concluded with his opinion that this Medical Marihuana Ordinance should not go forward without findings of fact.

Ms. Doyle spoke as a caregiver and patient in opposition to proposed changes in the Medical Marihuana Ordinance requirements as they relate to consuming on site, growing on site, and a separate facility outside of the home.

Mr. Montemayor referenced portions of the Medical Marihuana Ordinance, starting with the area specific to page 10, line 23, Section 1301.08 Locations of Medical Marihuana Home Cultivations Operations. The designated areas are multi use; however it states they can't be in multi-family dwellings. Councilmember Wood noted that just because an area is multi-family zoned, it doesn't mean there wouldn't be single family homes in that area. Mr. Montemayor asked for a list of the items Law would accept as proof for the moratorium ordinance, because the DBA is not enough for the State. Councilmember Wood reminded the group that only if there is a complaint would they require to provide proof, and Ms. Simmons can speak to individuals of what will be accept at the end of the meeting.

Mr. Patrick spoke in support of earlier comments by Mr. Hanks, supported provisional centers, and stated they should be regulated by supply and demand. Currently there are licenses for the caregiver given by the State and for the City to require a second license he believes is a money grab. Lastly he noted to the Committee that the Federal government only allows no more than 99 plants in one location, so to designate no growing in homes but groups in an industrial area would violate the Federal law.

Mr. Covert spoke as an attorney representing caregivers and pointed out that the proposed restrictions in the Medical Marihuana Ordinance are contrary to what is currently in the medical marihuana law, therefore is prohibited. Mr. Covert then referred the City Attorney to review the City of Wyoming vs Terbreak case, and noted that Ann Arbor does not prevent someone from growing in their home, Ann Arbor Ordinance Section 7.502.

Ms. Schneider representing National Patients Right spoke in support of a list for the moratorium ordinance similar to the last moratorium ordinance. Ms. Schneider asked them to reconsider scaling back the definitions. The MMA is not subject to an inspection, why would the City require it with local license. The operation as a primary is prohibited, however not legal. On a side note, she mentioned that Muskegon and Ann Arbor did not ban pertaining to care giver centers. Councilmember Wood reminded the public that the Moratorium Ordinance does speak to non-residential grow, and this was the same language of last City Moratorium Ordinance. Ms. Schneider's opinion is that the idea of grows in one building is dangerous, and there should be no more 72 plants in one address. To encourage 100 in one building is against the Federal government and the State law.

Mr. Hodge stated his frustration with the process and opposition to growing in homes. He noted recent openings of growers near Sycamore Park, and Holmes Park. Mr. Hodge had contacted the City Attorney office but had not heard back yet.

Ms. Womboldt asked for clear specifications that there is no "grandfathering", no care givers in neighborhoods, and asked for additional stipulations in the City Ordinance that want is currently in the Medical Marihuana Act.

DRAFT

Ms. Hernandez spoke on regulations and not allowing near schools or parks.

Mr. Green spoke as a patient and his needs to help his condition in support of allowing medical marihuana growers.

Councilmember Wood commented that the Committee goal is to make a safe place where people who need medical marihuana can get it.

Ms. Parrish spoke in support of a cap on the establishments and limits throughout the City so not concentrated in one Ward. Ms. Parrish asked if the facility is located in a rental is that inspected similar to rental homes.

Mr. Womboldt spoke in opposition to growers in residential areas that affect the residents.

Ms. Mahlow asked for language that speaks to where the establishments are allowed that about neighborhoods, language that speaks to perimeters from churches, schools, hospitals, etc. Ms. Mahlow also asked that the ordinance not allow for these establishments to sign off on allowing near their facilities, which currently the liquor license does accept.

Mr. Dickens asked the Committee not to model the ordinances after something that is a legal challenge.

No further public comments.

Councilmember Wood informed the public of a site meeting scheduled for the Committee on Public Safety on May 6th at 6:30 p.m. at 3200 S. Washington. The Committee on Ways and Means will meet at 3:30 p.m. that same day to review the Recovery Agreement with the Lansing Housing Commission. These meetings will be posted for the potential of a quorum of Council. Currently the Committee is working on notifying the residents; however they were granted permission to go on site to inform them.

The Ordinance on Medical Marihuana will be addressed again at the May 13, 2016 meeting at 3:30 p.m. Any comments should be submitted in writing to council@lansingmi.gov. At this meeting the Committee will also have maps to address the zoning. Councilmember Dunbar asked if this new Ordinance will be an amendment to the current ordinance or the current ordinance will be rescinded, and Councilmember Wood stated it will rescind.

ADJOURN

The meeting was adjourned at 4:54 p.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved: _____



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-22-16

RE: David Keeney to Board of Fire Commissioners

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



Virg Bernero, Mayor

OFFICE OF THE MAYOR

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APPLICATION FOR APPOINTMENT TO A CITY BOARD OR COMMISSION

Thank you for your interest in serving on a Lansing Board, Commission or committee. The Lansing City Charter requires that every appointee to a board, commission, or committee established by Charter or ordinance must meet the following qualifications and eligibility requirements:

- Be a registered elector in the City of Lansing (Charter Section 2-102).
- Be a resident of Lansing for one year prior to taking office (Charter Section 2-102).
- Not be in default to the City at the time of taking office (Charter Section 2-103.2).
- Not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of a public trust; or any felony (Charter Section 2-103.1).

Full Name: David Charles Keeney Date: 04-28-2010
First Middle Last

Other name(s) by which you have been known, including maiden names: _____

Date of Birth: 02/08/46 Gender: male Ward: 2 Precinct: 8 Last four digits of Soc. Sec. #: [REDACTED]

Address: 5931 Joshua St.
Lansing, Mi. 48911-5140 Rent or Own? Own

Home Phone: (517) 882 - 2221 Work Phone: () Same - Retired

Educational Background: High School, Radio Repair School (Army),
Many Work Related Technical Schools (AT&T)

Occupational Background (attach résumé if available): Broadcast Radio, US Army
Signal Corps, MBT/AT&T telephone company, etc.

Boards on which you are interested in serving:

- 1) Telecommunications and Cable Advisory Board
- 3) Any Board My Service May Help.

Additional information regarding experience and credentials: I hold a Commercial
Radio Licence also have experience working to
please the majority with products and
services.

Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission:

I would be most comfortable serving on the
Telecommunications and Cable Advisory Board.
I've served on it since 06-07-2007 and
think I finally know the scope of the
task.

Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top of page 1, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office:

CONSENT AND CERTIFICATION

This certification is not required, but may impact potential consideration of the appointment being sought.

I authorize the use of the information provided above to conduct a background search, including but not limited to criminal history, residency, and indebtedness to the City of Lansing.

Signature David C. Keeney Date 04-28-2010



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Joe McDonald, Outreach Coordinator

Subject: CITY COUNCIL AGENDA ITEM - David Keeney to Board of Fire Commissioners

Date: 4-22-16

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of David Keeney of 5931 Joshua Street in Lansing, MI, 48911, as a 2nd Ward Member to the Board of Fire Commissioners for a term to expire June 30, 2018; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of David Keeney of 5931 Joshua Street in Lansing, MI, 48911, as a 2nd Ward Member to the Board of Fire Commissioners for a term to expire June 30, 2018.

CITY CODE OF ORDINANCES CHAPTER 1301.

MEDICAL MARIHUANA LICENSING AND OPERATIONS

1301.01 Legislative Intent

1301.02 Definitions

1301.03 Licensure requirements

1301.04 Applications for license

1301.05 Minimum Operational Standards of Medical Marihuana Provisioning Centers

1301.06 Minimum operational standards of medical marihuana home occupations

1301.07 Location of Medical Marihuana Provisioning Centers

1301.08 Locations of Medical Marihuana Home Occupations

1301.09 Denial and Revocation

1301.10 Penalties and discipline

1301.11 No vested Rights

1301.12 Severability

1301.01 -LEGISLATIVE INTENT

The City intends to license and regulate medical marihuana facilities, dispensaries and home cultivation to the extent they are permitted under the Michigan Marihuana Act. The City does not intend that licensing and regulation under this Chapter be construed as a finding that such operations are legal under state or federal law. Although some specific uses of marihuana are allowed by the Michigan Marihuana Act, marihuana continues to be classified as a Schedule 1 controlled substance under federal law, making it unlawful under federal law to manufacture, distribute, or dispense. By requiring a license and compliance with requirements set forth in this Chapter, the City intends to protect to the extent possible, the public health, safety and welfare of the residents of and visitors to the City, including registered qualifying patients and their caregivers, especially from harm that might result from those who may choose to conduct medical marihuana operations in ways that are inconsistent with the mandates of this Chapter.

This Chapter permits activities as described in the Michigan Marihuana Act. Nothing in this Chapter shall be construed as allowing persons to engage in conduct that endangers others or to allow the use, cultivation, or growth of medical marihuana not in strict accordance with what is authorized by the Act.

1 **1301.02 – DEFINITIONS**

2 For the purposes of this chapter:

3 (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the
4 definition given in the Michigan Medical Marihuana Act.

5 (b) Any term defined by 21 USC 860(e) shall have the definition given by 21 USC 860(e).

6 (c) The following terms shall have the definitions given:

7 “Department” means the State of Michigan Department of Community Health.

8 “Dispensary” means a location where one or more primary caregivers store and distribute medical
9 marihuana out of a building or structure.

10 “Distribution/Distributed” means the physical transfer of any amount of marihuana in any form from a
11 primary caregiver to a qualifying patient.

12 “Distributor” means a primary caregiver who engages in any one or more acts of distribution.

13 “Facility” means a commercial business having a separate or independent postal address where medical
14 marihuana is cultivated and also may be distributed .

15 “Licensee” means a person holding a city issued license related to medical marihuana operations.

16 “Medical Marihuana” means any marihuana intended for medical use that meets all requirements for
17 medical marihuana under the act and excludes any form of marihuana inconsistent with the definition
18 of usable marihuana under the Act; 1976 PA 368, MCL 333.7106.

19 “Michigan Medical Marihuana Act” or “Act” means the Michigan medical marihuana act, 2008 Initiated
20 Law, MCL 333.26421 to 333.26430.

21 “Medical use of Marihuana “ means the acquisitions, possession, cultivation, manufacture, extraction,
22 use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products,
23 or paraphernalia relations to the administration of marihuana to treat or alleviate a registered qualifying
24 patient’s debilitating medical condition.

25 “Medical Marihuana Home Cultivation Operations” means the residential cultivation of Medical
26 Marihuana by a Qualifying Patient as defined by the Act, in compliance with the general rules of the
27 Department of Licensing and Regulatory Affairs, within a single family dwelling that is the Registered
28 Qualifying Patient’s primary residence and which cultivation is in conformity with the restrictions and
29 regulations contained in the Act, this Chapter and any State regulations developed by the Michigan
30 Department of Licensing and Regulatory Affairs (LARA). Medical Marihuana Home Cultivation is
31 prohibited in any multi-family dwelling.

1 “Primary caregiver” or “caregiver” means a person as defined under MCL 333.26423(g) of the Act, and
2 who had been issued and possesses a Registry Identification Card under the Act. The cultivation of
3 marihuana by a caregiver and the provision of caregiver services relating to marihuana use shall be
4 permitted in accordance with the Act.

5 “Principal residence” means the place where the person resides more than half of the calendar year.

6 “Qualifying patient” or “patient” means a person who has been diagnosed by a physician as having a
7 debilitating medical condition and who has been issued and possesses a Registry Identification Card
8 under the Act.

9 “Restricted/Limited Access Area” means, a building, room or other area under the control of the
10 licensee with access limited to qualifying patients or primary caregivers.

11 “Registry Identification card” means the document defined by the Michigan Medical Marihuana Act.

12
13 **1301.03 -LICENSURE REQUIREMENTS.**

14 (a) The cultivation of marihuana by a caregiver or any other person permitted under the Act, and the
15 provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with
16 the Act. No cultivation, distribution, and other assistance to patients shall be lawful at a location unless
17 such location for such cultivation, distribution, and assistance shall have been licensed under this
18 Chapter.

19 (1) A facility or dispensary in operation on the effective date of this ordinance may continue
20 operations without a license only if the operator applies for a license within thirty (30) days of
21 the effective date of this ordinance and if no zoning, permit, or license applications or approvals
22 have already been denied. Proof of operation before implementation of this ordinance shall be
23 provided at the time of applying.

24
25 (b) Each caregiver operating at a facility or dispensary shall obtain a separate license prior to operating.

26 (c) The following locations shall require licensure:

27 (1) A facility used for the cultivation of marihuana by caregivers or patients permitted under the
28 Act;

29 (2) A dispensary or facility used for distribution;

30 (3) Any facility used to provide any other assistance to patients by caregivers permitted under
31 the Act relating to medical marihuana;

(4) The principal residence of a patient where marihuana is cultivated exclusively for such patient's personal consumption.

(d) Operating as a primary caregiver is prohibited in a residence.

(e) Any portion of the structure where energy usage exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subjected to inspection and approval by the fire department to insure compliance with the city's adopted International Fire Code.

(f) All premises required to be licensed shall be open for inspection upon request by the city's appointed inspectors, building officials, fire department, and/or law enforcement officials for compliance with all applicable laws and rules during normal business hours of 9:00 a.m. until 5:00 p.m. or as such times as anyone is present on the premises.

1301.04 -APPLICATION FOR LICENSE.

(a) An application for an annual license or renewal of a previously issued license under this section shall be submitted to the city clerk. A license shall be issued or renewed upon payment of the required fee, submission of a completed application in compliance with the provisions of the article, and compliance with all provisions and requirements of this article.

(b) An application renewal shall be submitted annually. Applications to renew a license under this article shall be filed at least 30 days prior to the date of expiration. Such renewal shall be accompanied by the annual fee.

(c) An application shall include the names of all caregivers operating in the same facility/dispensary or on the same premises and a copy of the caregiver's state issued registry identification card.

(d) Pursuant to the act, primary caregivers shall not have any felony convictions within the past ten years and shall not have ever been convicted of a felony involving illegal drugs or a felony that is an assaultive crime. If a criminal background check reveals any such felony conviction, no license shall be issued and any existing license shall be revoked.

(e) No license shall be issued and/or an existing license may be revoked if applicant or business owes to the City any outstanding back taxes, fines, fees or liens.

(f) When applicable, each license application required by this chapter shall include the following:

(1) The marihuana facility history of the applicant; whether such person has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(2) The address of the precise premises at which there shall be possession, cultivation, distribution or other assistance in the use of medical marihuana.

1
2 (3) The initial application fee or renewal fee as established by council; thereafter they shall be
3 established by annual resolution of the city council.
4

5 (4) The name and address of the place where all unused portions of marihuana plants shall be
6 disposed.
7

8 (5) Describe the enclosed, locked facility in which any and all cultivation of medical marihuana is
9 proposed to occur, or where medical marihuana is stored, with such description including:
10 location of building, precise measurements in feet of the floor dimensions and heights; the
11 security device for the facility; and in the case with facilities with more than one primary
12 caregiver, a declaration that each caregiver will only have access to the medical marihuana that
13 is identified to that caregiver and to the individual qualified patients associated with the
14 caregiver.
15

16 (6) Specify the number of patients to be assisted by each caregiver, separating the number of
17 patients for whom medical marihuana is proposed to be cultivated from the number of patients
18 to be otherwise assisted on the premises.
19

20 (7) If the applicant is an individual, the applicant's name, date of birth, physical address, copy of
21 photo identification, email address, and one or more phone numbers, including emergency
22 contact information;

23 (8) If the applicant is not an individual, the names, dates of birth, physical addresses, copy of
24 photo identification, email addresses, and one or more phone numbers of each stakeholder of
25 the applicant, including designation of the highest ranking stakeholder as an emergency contact
26 person and contact information for the emergency contact person. In addition, the articles of
27 incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN
28 confirmation letter, and the operating agreement of the applicant;

29 (9) A statement with respect to each person named on the application that he or she has not
30 been convicted of or pled guilty to a felony involving controlled substances or assaultive crimes
31 preceding the date of application;

32 (10) One of the following: (a) proof of ownership of the entire premises wherein the Medical
33 Marihuana operations will be conducted; or (b) written consent from the property owner for
34 use of the premises in a manner requiring licensure under this chapter along with a copy of the
35 lease for the premises;

36 (11) Proof of an insurance policy covering the facility or dispensary and naming the city as an
37 additional insured party, available for the payment of any damages arising out of an act or
38 omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the
39 amount of (a) at least one million dollars for property damage; (b) at least one million dollars for
40 injury to one person; and (c) at least two million dollars for injury to two or more persons

1 resulting from the same occurrence. The insurance policy underwriter must have a minimum
2 A.M. Best company insurance ranking of B+, consistent with state law;

3 (12) A Security Plan;

4 (13) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to
5 the city;

6 (14) An affidavit that only primary caregivers will be involved in the transfer of marihuana to
7 qualifying patients and only in the manner allowed by the Act;

8 (15) Any proposed text or graphical materials to be shown on the exterior of the proposed
9 facility of dispensary;

10 (16) Patient Education plan;

11 (17) Recordkeeping and inventory control;

12 (18) A location area map of the facility or dispensary that identifies the relative locations and
13 the distances to the facility of the real property comprising a public or private elementary,
14 vocational or secondary school; a child care organization required by the child care
15 organizations act, PA 1 16 of 1973, to be licensed or registered by the Michigan Department of
16 Human Services.

17 (19) A facility or dispensary sanitation Plan;

- 18
- 19 • (g) Upon receipt of a completed facility or dispensary application meeting the requirements of this
20 Chapter the city clerk will confirm that the number of existing licenses does not exceed the
21 maximum number established by resolution pursuant to subsection ____ .

- 22 • (h) No application shall be approved unless:

23

24 (1) The Fire Department and the Building Safety Office have inspected the proposed location
25 for compliance with all laws for which they are charged with enforcement;

26 (2) The applicant and each stakeholder of the applicant have passed a background check
27 conducted by the Police Department;

28

29 (3) The Zoning Administrator has confirmed that the proposed location complies with the
30 Zoning Code;

31

32 (4) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant
33 are not in default to the City.

(i) If final approval is obtained, all use of the property shall be in accordance with the license application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.

(j) Licensees shall report any other change in the information required by this section to the City Clerk within ten days of the change.

(k) Any applicable application or license fees will be set by Council.

1301.05—MINIMUM OPERATIONAL STANDARDS FOR FACILITIES AND DISPENSARIES

(a) Nothing in this Chapter, or any companion regulatory provisions adopted in any other provision of the Code, is intended to grant, nor shall it be construed as granting immunity from criminal prosecution for:

(1) Cultivation, sale, consumption, use, distribution, manufacture or possession of marihuana in any form not in compliance with the Act or,

(2) Any criminal prosecution under federal laws including seizure of property under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 *et seq.*

(b) Whether a facility or dispensary, there shall not be more than 12 Medical Marihuana plants being cultivated by a patient for themselves or in the case of a caregiver, 12 per patient, for a maximum number of 72 at any time.

(c) Consumption of Medical Marihuana shall be prohibited on the premises of a facility or dispensary, and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.

(d) The facility or dispensary shall continuously monitor the entire premises on which they are operated with surveillance systems that include that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period not less than 14 days.

(e) Public or common areas of a facility or dispensary must be separated from restricted or non-public areas by a permanent barrier. No Medical Marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.

(f) All Medical Marihuana storage areas within a facility or dispensary must be separated from any customer/patient areas by a permanent barrier. No Medical Marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients.

(g) Any usable Medical Marihuana remaining on the premises of a facility or dispensary while it is not in operation shall be secured in a safe permanently affixed to the premises.

(h) No facility or dispensary shall have a drive-through window on the premises.

1 (i) No facility or dispensary shall be operated in a manner creating noise, dust, vibration, glare, fumes,
2 or odors detectable to normal senses beyond the boundaries of the property on which the facility or
3 dispensary is operated.

4 (j) The license required by this chapter shall be prominently displayed on the premises of the facility or
5 dispensary.

6 (k) Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by
7 any person who may not lawfully possess it and otherwise in conformance with state law.

8 (l) All Medical Marihuana delivered to a patient shall be packaged and labeled as provided in this
9 chapter. The label shall include:

10 (1) A unique alphanumeric identifier for the person to whom it is being delivered;

11 (2) A unique alphanumeric identifier for the registered primary caregiver who is delivering the
12 medical marihuana;;

13 (3) That the package contains Medical Marihuana;

14 (4) The date of delivery, weight, type of Medical Marihuana, dollar amount or other
15 consideration being exchanged in the transaction;

16 (5) A certification that all Medical Marihuana in any form contained in the package was
17 cultivated, manufactured and packaged in conformance with state law;

18 (6) The warning that:

19 **This product is manufactured without any regulatory oversight for health, safety or efficacy.**
20 **There may be health risks associated with the ingestion or use of this product. Do not drive or**
21 **operate heavy machinery while using this product. Keep this product out of reach of children.**
22 **This product may not be used in any way that does not comply with the Michigan Medical**
23 **Marihuana Act or by any person who does not possess a valid medical marihuana patient**
24 **registration card.**

25 (7) The name, address, email address, and telephone number of the facility or dispensary center
26 that a patient can contact with any questions regarding the product.

27 (8) Child-proof packaging shall be used for any medical marihuana infused-product, but is not
28 required for any product that requires activation of the medical marihuana through the use of a
29 heat source.

30 (m) All registered patients must present both their Michigan registry identification card and Michigan
31 State ID prior to entering restricted/limited areas or non-public areas of the facility or dispensary.

32 (n) Each facility or dispensary shall be open for inspection during the stated hours of operation and as
33 such other times as anyone is present on the premises.

(o) Alcoholic beverages shall not be sold, consumed or distributed on the premises of facility or dispensary.

(p) No facility or dispensary shall allow loitering inside or outside its premises.

(q) Medical Marihuana facilities and dispensaries shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered from the premises, between the hours of ____ and ____.

(r) The use of the symbol or image of a marihuana leaf in any exterior signage at any caregiver operated facility or dispensary is strictly prohibited. Furthermore, it shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

1301.06 –MINIMUM OPERATIONS STANDARDS FOR MEDICAL MARIHUANA HOME CULTIVATION OPERATIONS.

(a) All use of marihuana on the premises shall comply with the Act at all times. In addition, the following minimum standards for medical marihuana home occupations shall apply:

(1) The maximum area for home occupations shall be calculated as 25 percent of the useable residential floor area of a dwelling unit or 300 feet whichever is less;

(2) A qualified patient must be an occupant of the home;

(3) The use of the dwelling unit for medical marihuana cultivation shall be clearly incidental and subordinate to its use for residential purposes. The residence shall maintain kitchen, bathrooms, living rooms, dining rooms, hallways, and primary bedrooms for their intended use and not for cultivation of medical marihuana;

(4) All medical marihuana that is not being consumed at the time shall be contained within an enclosed, locked facility inside a primary or accessory building;

(5) All necessary building, electrical, plumbing and mechanical permits shall be obtained for portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located. That portion of the building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lansing fire department to insure compliance with the Michigan fire protection code;

(6) The premises shall be open for inspection upon probable cause and request by building officials the fire department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises;

(7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential levels between the hours of 11:00 p.m. and 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties or vehicles on adjacent right-of-ways;

(8) Exterior signage identifying medical marihuana home cultivation is prohibited;

(9) The cultivation, process, or use of medical marihuana which creates noise, dust, vibration, glare, fumes, noxious odors or electrical interference detectable to the normal senses from the exterior of the curtilage of the premises shall be prohibited; and

(10) Copies of the registry identification card for the qualifying patient must be possessed during all times of operation.

1301.07 –LOCATION OF MEDICAL MARIHUANA FACILITIES AND DISPENSARIES.

(a) No Medical Marihuana facility or dispensary shall be located within:

(1) 1,000 radial feet of real property comprising a public or private elementary, vocational, or secondary school; A child care organization required by the child care organization act, PA 116 of 1973, to be licensed or registered by the Michigan department of human services.

(b) Medical Marihuana facilities and dispensaries shall be limited to appropriate retail zoning districts as follows:

(1) The “F” and “F-1” Commercial, “E-2” Local Shopping, “G-2” Wholesale, “H” Light Industrial and “I” Heavy Industrial Districts, as long as there is no residential use on the parcel containing the facility or dispensary.

1301.08 –LOCATIONS OF MEDICAL MARIHUANA HOME CULTIVATION OPERATIONS.

(a) Medical Marihuana Home Occupations shall be limited to the following residential zoning districts:

(1) Zones “A”, “B”, “C”, “DM-1”, “DM-2”, “DM-3”, and “DM-4”

(b) Medical Marihuana Home Cultivation is prohibited in any multi-family dwelling.

1301.09 –DENIAL AND REVOCATION

(a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.

(b) A license does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the Act or other violations not protected by the Act.

(c) If an applicant or licensee fails to comply with this Chapter or rules, if a licensee no longer meets the eligibility requirements for a license under this ordinance, or if an applicant or licensee fails to provide information requested by the City Clerk to assist in any investigation, inquiry, or administrative hearing, the Clerk may deny, suspend, or revoke a license. The Clerk may suspend, revoke, or restrict a license and require the removal of a licensee or an employee of a licensee for a violation of this Chapter. The Clerk may impose civil fines, in the amount to be set by City Council Resolution, for each violation of this Chapter, rules, or order of the City Clerk. In addition, a license may be suspended or revoked for any of the following reasons:

(1) Any conviction for or guilty plea to a felony involving controlled substances by a licensee or any stakeholder of the licensee occurring: (a) within the ten(10) years preceding the date of the Application or the date of becoming a stakeholder, whichever occurs later; or (b) while licensed under this Chapter;

(2) Commission of fraud or misrepresentation or the making of a false statement by the licensee or any stakeholder of the licensee while engaging in any activity for which this Chapter requires a license;

(3) The licensee's operation is determined by the City to have become a public nuisance;

(d) A license issued under this chapter may be revoked after an administrative hearing at which it is determined that any grounds for revocation under Subsection (c) exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the Licensee at least five days prior to the date of the Hearing, by first class mail to the address given on the license application or any address provided pursuant to Section 1300.03(g).

(e) The City Clerk may designate a Special Hearing Officer to conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to the exercise and discharge the powers and duties of the clerk under this Chapter.

(f) Suspension or revocation of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or revocation or any other code violations not protected by the Act.

(g) Each day that a licensee shall conduct an operation, whether it be facility, dispensary or home cultivation related, without a license or allow, operate, or assist in said unlicensed operation shall constitute a separate offense.

(h) If a licensee has ceased business operations for 60 consecutive days, the licensee shall return the license to the City Clerk. If the licensee demonstrates good cause and all required fees are paid, the Clerk may place the license in escrow for up to 1 year. To remove a license from escrow, the licensee must submit the Clerk with a written request and any other information required by rule.

1 **1301.10 PENALTIES AND DISCIPLINE**

2 (a) The city of Lansing may require an Applicant or Licensee to produce documents, records, or any
3 other material pertinent to the investigation of an application or alleged violation of this Chapter.
4 Failure to provide the required material may be grounds for Application denial, license revocation, or
5 discipline.

6 (b) Any person in violation of any provision of this chapter shall be subject to a civil fine. Increased civil
7 fines may be imposed for repeated violations of any requirements or provisions of this Ordinance. As
8 used in this section “repeat offense” means a second or any subsequent infraction of the same
9 requirement or provision committed by a person within any 12-month period and for which the person
10 admits responsibility or is determined to be responsible. Unless otherwise specifically provided in this
11 Ordinance or any other ordinance for a Municipal Infraction, the increased schedule is as follows:

12 1. _____, plus costs the first infraction;

13 2. A fine of any offense which is a first repeat offense shall be not less than _____ dollars nor
14 more than five hundred dollars (\$500.00), plus costs.

15 3. The fine for any offense which is a second repeat offense or any subsequent repeat offense
16 shall be not less than _____ dollars plus costs.

17 (c) All fines imposed under this Chapter shall be paid within 45 days after the effective date of the order
18 imposing the fine or as otherwise specified in the Order. If the licensee fails to pay any and all fines
19 within 45 days, the clerk may initiate revocation/suspension proceedings.

20 **1301.11 -NO VESTED RIGHTS**

21 A property owner shall not have vested rights or nonconforming use rights that would serve as a basis
22 for failing to comply with this Chapter or any amendment of this Chapter.

23 **1301.13 -SEVERABILITY**

24 If any clause, sentence, section, paragraph, or part of this Chapter, or the application thereof to any
25 person, legal entity, or circumstance, shall be for any reason adjudged by a court of competent
26 jurisdiction to be invalid, the application of such provision to other persons, legal entities or
27 circumstances by such shall be confined in its operation to the part of the this Chapter directly involved
28 in the case or controversy in which such judgment shall have been rendered and to the person, legal
29 entity or circumstances then and there involved. It is hereby declared to the legislative intent of this
30 body that the Chapter would have been adopted had such provision had not been included in this
31 Chapter.

CITY CODE OF ORDINANCES CHAPTER 1301.

MEDICAL MARIHUANA LICENSING AND OPERATIONS

1301.01 Legislative Intent

1301.02 Definitions

1301.03 Licensure requirements

1301.04 Applications for license

1301.05 Minimum Operational Standards of Medical Marihuana Facilities and Dispensaries

1301.06 Minimum operational standards of medical marihuana home occupations

1301.07 Location of Medical Marihuana Facilities and Dispensaries

1301.08 Locations of Medical Marihuana Home Occupations

1301.09 Denial and Revocation

1301.10 Penalties and discipline

1301.11 No vested Rights

1301.12 Severability

1301.01 -LEGISLATIVE INTENT

The City intends to license and regulate medical marihuana facilities, dispensaries and home cultivation to the extent they are permitted under the Michigan Marihuana Act. The City does not intend that licensing and regulation under this chapter be construed as a finding that such operations are legal under state or federal law. Although some specific uses of marihuana are allowed by the Michigan Marihuana Act, marihuana continues to be classified as a Schedule 1 controlled substance under federal law, making it unlawful under federal law to manufacture, distribute, dispense or provide. By requiring a license and compliance with requirements set forth in this chapter, the City intends to protect to the extent possible, the public health, safety and welfare of the residents of and visitors to the City, including registered qualifying patients and their caregivers, especially from harm that might result from those who may choose to conduct medical marihuana operations in ways that are inconsistent with the mandates of this chapter.

This chapter permits activities as described in the Michigan Marihuana Act. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or to allow the use, cultivation, or growth of medical marihuana not in strict accordance with what is authorized by the Act.

1301.02 – DEFINITIONS

For the purposes of this chapter:

(a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

(b) Any term defined by 21 USC 860(e) shall have the definition given by 21 USC 860(e).

(c) The following terms shall have the definitions given:

“Department” means the State of Michigan Department of Community Health.

“Provisioning Center” means a location where one or more primary caregivers store and distribute medical marihuana out of a building or structure.

“Provide/Provision” means the physical transfer of any amount of marihuana in any form from a primary caregiver to a qualifying patient.

“Provider” means a primary caregiver who engages in any one or more acts of providing.

“Facility” means a commercial business having a separate or independent postal address where medical marihuana is cultivated and also may be provided.

“Home Occupation” means the residential cultivation of Medical Marihuana by a Qualifying Patient as defined by the Act, in compliance with the general rules of the Department of Licensing and Regulatory Affairs, within a single family dwelling that is the Registered Qualifying Patient’s primary residence and in which the cultivation is in conformity with the restrictions and regulations contained in the Act, this Chapter and any State regulations developed by the Michigan Department of Licensing and Regulatory Affairs (LARA). Medical Marihuana Home Cultivation is prohibited in any multi-family dwelling.

“Licensee” means a person holding a city issued license related to medical marihuana operations.

“Medical Marihuana” means any marihuana intended for medical use that meets all requirements for medical marihuana under the act and excludes any form of marihuana inconsistent with the definition of usable marihuana under the Act; 1976 PA 368, MCL 333.7106.

“Michigan Medical Marihuana Act” or “Act” means the Michigan medical marihuana act, 2008 Initiated Law, MCL 333.26421 to 333.26430.

“Medical use of Marihuana” means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, or paraphernalia relations to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition.

1 "Primary caregiver" or "caregiver" means a person as defined under MCL 333.26423(g) of the Act, who
2 had been issued and possesses a Registry Identification Card under the Act and provides medical
3 marihuana to a qualifying patient other than themselves. The cultivation of marihuana by a caregiver
4 and the provision of caregiver services relating to marihuana use shall be permitted in accordance with
5 the Act.

6 "Principal residence" means the place where the person resides more than half of the calendar year.

7 "Qualifying patient" or "patient" means a person who has been diagnosed by a physician as having a
8 debilitating medical condition and who has been issued and possesses a Registry Identification Card
9 under the Act.

10 "Restricted/Limited Access Area" means, a building, room or other area under the control of the
11 licensee with access limited to qualifying patients or primary caregivers.

12 "Registry Identification card" means the document defined by the Michigan Medical Marihuana Act.

13
14 **1301.03 -LICENSURE REQUIREMENTS.**

15 (a) The cultivation of marihuana by a caregiver or any other person permitted under the Act, and the
16 provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with
17 the Act. No cultivation, provisioning , or other assistance to a patient shall be lawful at a location unless
18 such location for such cultivation, provisioning, and assistance shall have been licensed under this
19 Chapter.

20 (1) A facility or provisioning center in operation on the effective date of this ordinance may
21 continue operations without a license only if the operator applies for a license within thirty (30)
22 days of the effective date of this ordinance and if no zoning, permit, or license applications or
23 approvals have already been denied. Proof of operation before implementation of this
24 ordinance shall be provided at the time of applying.

25
26 (b) Each caregiver operating at a facility or provisioning center shall obtain a separate license prior to
27 operating.

28 (c) The following locations shall require licensure:

29 (1) A facility used for the cultivation of marihuana by caregivers or patients permitted under the
30 Act;

31 (2) A provisioning center or facility used for distribution;

32 (3) Any facility used to provide any other assistance to patients by caregivers permitted under
33 the Act relating to medical marihuana;

(4) The principal residence where the residence is being utilized as a home occupation..

(d) Operating as a primary caregiver, whereas medical marijuana is provided by the primary caregiver to another, is prohibited in a residence.

(e) Any portion of the structure where energy usage exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subjected to inspection and approval by the fire department to insure compliance with the city's adopted International Fire Code.

(f) All premises required to be licensed shall be open for inspection upon request by the city's appointed inspectors, building officials, fire department, and/or law enforcement officials for compliance with all applicable laws and rules during normal business hours of 9:00 a.m. until 5:00 p.m. or at such times as anyone is present on the premises.

1301.04 -APPLICATION FOR LICENSE.

(a) An application for an annual license or renewal of a previously issued license under this section shall be submitted to the city clerk. A license shall be issued or renewed upon payment of the required fee, submission of a completed application in compliance with the provisions of this chapter, and compliance with all provisions and requirements of this chapter. There will be no license fee for home occupation operations.

(b) An application renewal shall be submitted annually. Applications to renew a license under this chapter shall be filed at least 30 days prior to the date of expiration. Such renewal shall be accompanied by the annual fee.

(c) An application shall include the names of all caregivers operating in the same facility/provisioning center or on the same premises and a copy of the caregiver's state issued registry identification card.

(d) Pursuant to the act, primary caregivers shall not have any felony convictions within the past ten years and shall not have ever been convicted of a felony involving illegal drugs or a felony that is an assaultive crime. If a criminal background check reveals any such felony conviction, no license shall be issued and any existing license shall be revoked.

(e) No license shall be issued and/or an existing license may be revoked if applicant or business owes to the City any outstanding back taxes, fines, fees or liens.

(f) Each facility or provisioning center license application required by this chapter shall include the following:

(1) The marijuana facility or provisioning center history of the applicant; whether such person has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(2) The address of the precise premises at which there shall be possession, cultivation, distribution or other assistance in the use of medical marihuana.

(3) If applicable, the initial application fee or renewal fee as established by council; thereafter they shall be established by annual resolution of the city council.

(4) A description of the products and services to be provided by the facility/provisioning center, including retail sales of any item.

(5) A plan for the disposal of any medical marihuana in any form that has not been provided pursuant to the Act of this chapter. This plan shall protect against and portion being possessed or ingested by a person or animal. Disposal by burning or introduction into the sewage system is prohibited.

(6) Procedures for testing contaminants, including mold and labeling of products that include marihuana in any form.

(7) Describe the enclosed, locked facility in which any and all cultivation of medical marihuana is proposed to occur, or where medical marihuana is stored, with such description including: location of building, precise measurements in feet of the floor dimensions and heights; the security plan for the facility; and in the case with facilities or provisioning center with more than one primary caregiver, a declaration that each caregiver will only have access to the medical marihuana that is identified to that caregiver and to the individual qualified patients associated with the caregiver in accordance with the Act.

(8) Specify the number of patients to be assisted by each caregiver, separating the number of patients for whom medical marihuana is proposed to be cultivated from the number of patients to be otherwise assisted on the premises.

(9) If the applicant is an individual, the applicant's name, date of birth, physical address, copy of photo identification, email address, and one or more phone numbers, including emergency contact information;

(10) If the applicant is not an individual, the names, dates of birth, physical addresses, copy of Government issued photo identification, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking stakeholder as an emergency contact person and contact information for the emergency contact person. In addition, the articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and the operating agreement of the applicant;

(11) A statement with respect to each person named on the application that he or she has not been convicted of or pled guilty to a felony involving controlled substances or assaultive crimes preceding the date of application and a signed release authorizing the Lansing Police Department to perform a criminal background check to ascertain whether the applicant named on the application meets these requirements.

(12) One of the following: (a) proof of ownership of the entire premises where the Medical Marihuana operations will be conducted; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of the lease for the premises;

(13) Proof of an insurance policy covering the facility or provisioning center and naming the city as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least one million dollars for property damage; (b) at least one million dollars for injury to one person; and (c) at least two million dollars for injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best company insurance ranking of B+, consistent with state law;

(14) A description of the security plan for the facility or provisioning center, including but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the premises. The City may establish minimum security measures;

(15) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the city;

(16) An affidavit that only primary caregivers will be involved in the transfer of marihuana to qualifying patients and only in the manner allowed by the Act;

(17) Any proposed text or graphical materials to be shown on the exterior of the proposed facility of provisioning center;

(18) Patient Education plan; (requirements to be established by council; carryover from prior Lansing ordinance.)

(19) Recordkeeping and inventory procedures that describe how the acquisition and provision of medical marihuana will be tracked. This shall include on-site cultivation and processing;

(20) A location area map of the facility or provisioning center that identifies the relative locations and the distances to the facility of the real property comprising a public or private elementary, vocational or secondary school; a child care organization required by the child care organizations act, PA 1 16 of 1973, to be licensed or registered by the Michigan Department of Human Services.

(21) A facility or provisioning center sanitation Plan; (requirements to be established by council)

(g) Upon receipt of a completed facility or provisioning center application meeting the requirements of this Chapter the city clerk will confirm that the number of existing licenses does not exceed the maximum number established by resolution pursuant to subsection ____ .

(h) No application shall be approved unless:

- (1) The Fire Department has inspected the proposed location for compliance with all laws for which it is charged with enforcement;
- (2) The Building Safety Office has inspected the proposed location for compliance with all laws for which it is charged with enforcement ;
- (3) The applicant and each stakeholder of the applicant have passed a background check conducted by the Police Department;
- (4) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code; and
- (5) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City.

(i) If final approval is obtained, all use of the property shall be in accordance with the license application, including all information and specifications submitted by the applicant in the application.

(j) Licensees shall report any other change in the information required by this section to the City Clerk within ten days of the change.

(k) Any applicable application or license fees will be set by Council.

1301.05—MINIMUM OPERATIONAL STANDARDS FOR FACILITIES AND PROVISIONING CENTERS

- (a) Nothing in this chapter, or any companion regulatory provisions adopted in any other provision of the Code, is intended to grant, nor shall it be construed as granting immunity from criminal prosecution for:
- (1) Cultivation, sale, consumption, use, provision, manufacture or possession of marihuana in any form not in compliance with the Act or,
 - (2) Any criminal prosecution under federal laws including seizure of property under the Federal Controlled Substances Act. 21 U.S.C. Sec. 801 *et seq.*
- (b) Whether a facility or provisioning center, there shall not be more than 12 Medical Marihuana plants being cultivated by a patient for themselves or in the case of a caregiver, 12 per patient, in strict accordance with the Act.
- (c) Consumption of Medical Marihuana shall be prohibited on the premises of a facility or provisioning center, and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.
- (d) The facility or provisioning center shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of not less than 14 days.

(e) Public or common areas of a facility or provisioning center must be separated from restricted or non-public areas by a permanent barrier. No Medical Marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.

(f) All Medical Marihuana storage areas within a facility or provisioning center must be separated from any customer/patient areas by a permanent barrier. No Medical Marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients.

(g) Any usable Medical Marihuana remaining on the premises of a facility or provisioning center while it is not in operation shall be secured in a safe permanently affixed to the premises.

(h) No facility or provisioning center shall have a drive-through window on the premises.

(i) No facility or provisioning center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility or provisioning center is operated.

(j) The license required by this chapter shall be prominently displayed on the premises of the facility or provisioning center.

(k) Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with state law and this chapter.

(l) All Medical Marihuana delivered to a patient shall be packaged and labeled as provided in this chapter. The label shall include:

(1) A unique alphanumeric identifier for the person to whom it is being delivered;

(2) A unique alphanumeric identifier for the registered primary caregiver who is delivering the medical marihuana;

(3) That the package contains Medical Marihuana;

(4) The date of delivery, weight, type of Medical Marihuana, dollar amount or other consideration being exchanged in the transaction;

(5) A certification that all Medical Marihuana in any form contained in the package was cultivated, manufactured and packaged in conformance with state law;

(6) The warning that:

This product is manufactured without any regulatory oversight for health, safety or efficacy. There may be health risks associated with the ingestion or use of this product. Do not drive or operate heavy machinery while using this product. Keep this product out of reach of children. This product may not be used in any way that does not comply with the Michigan Medical

Marihuana Act or by any person who does not possess a valid medical marihuana patient registration card.

(7) The name, address, email address, and telephone number of the facility or provisioning center that a patient can contact with any questions regarding the product.

(m) All registered patients must present both their Michigan registry identification card and Michigan State ID prior to entering restricted/limited areas or non-public areas of the facility or provisioning center.

(n) Each facility or provisioning center shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises.

(o) Alcoholic beverages shall not be sold, consumed or distributed on the premises of facility or provisioning center.

(p) No facility or provisioning center shall allow loitering inside or outside its premises.

(q) Medical Marihuana facilities and provisioning center shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered from the premises, between the hours of ____ and ____.

(r) The use of the symbol or image of a marihuana leaf in any exterior signage at any caregiver operated facility or provisioning center is strictly prohibited. Furthermore, it shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

1301.06 –MIMINUM OPERATIONS STANDARDS FOR MEDICAL MARIHUANA HOME OCCUPATION.

(a) All use of marihuana on the premises shall comply with the Act at all times. In addition, the following minimum standards for medical marihuana home occupations shall apply:

(1) The maximum area for home occupations shall be calculated as 25 percent of the useable residential floor area of a dwelling unit or 300 feet whichever is less;

(2) A qualified patient must be an occupant of the home;

(3) The use of the dwelling unit for medical marihuana cultivation shall be clearly incidental and subordinate to its use for residential purposes. The residence shall maintain kitchen, bathrooms, living rooms, dining rooms, hallways, and primary bedrooms for their intended use and not for cultivation of medical marihuana;

(4) All medical marihuana that is not being consumed at the time shall be contained within an enclosed, locked facility inside a primary or accessory building;

(5) All necessary building, electrical, plumbing and mechanical permits shall be obtained for portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located. That portion of the building

where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lansing fire department to insure compliance with the Michigan fire protection code;

(6) The premises shall be open for inspection upon probable cause and request by either building code officials, the fire department, or law enforcement officials to determine compliance with all applicable laws and rules;

(7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential levels between the hours of 11:00 p.m. and 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties or vehicles on adjacent right-of-ways;

(8) Exterior signage identifying medical marihuana home cultivation is prohibited;

(9) The cultivation, process, or use of medical marihuana which creates noise, dust, vibration, glare, fumes, noxious odors or electrical interference detectable to the normal senses from the exterior of the curtilage of the premises shall be prohibited; and

(10) Copies of the registry identification card for the qualifying patient must be maintained on premises during all times of operation.

1301.07 –LOCATION OF MEDICAL MARIHUANA FACILITIES AND PROVISIONING CENTERS.

(a) No Medical Marihuana facility or provisioning center shall be located within:

(1) 1,000 radial feet of real property comprising a public or private elementary, vocational, or secondary school; A child care organization required by the child care organization act, PA 116 of 1973, to be licensed or registered by the Michigan department of human services.

(b) Medical Marihuana facilities and provisioning center shall be limited to appropriate retail zoning districts as follows:

(1) The "F" and "F-1" Commercial, "E-2" Local Shopping, "G-2" Wholesale, "H" Light Industrial and "I" Heavy Industrial Districts, as long as there is no residential use on the parcel containing the facility or provisioning center.

1301.08 –LOCATIONS OF MEDICAL MARIHUANA HOME OCCUPATIONS.

(a) Medical Marihuana Home Occupations shall be limited to the following residential zoning districts:

(1) Zones "A", "B", "C", "DM-1", "DM-2", "DM-3", and "DM-4"

(b) Medical Marihuana Home Occupation is prohibited in any multi-family dwelling.

1301.09 –DENIAL AND REVOCATION

(a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application. If a new application for a proposed license location meets the standards identified in this chapter, licenses may transfer a license issued under this chapter to a different location within the City as long as the transfer would conform with the other provisions of this ordinance.

(b) A license does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the Act or other violations not protected by the Act.

(c) If an applicant or licensee fails to comply with this chapter or rules, if a licensee no longer meets the eligibility requirements for a license under this ordinance, or if an applicant or licensee fails to provide information requested by the City Clerk to assist in any investigation, inquiry, or administrative hearing, the Clerk may deny, suspend, or revoke a license. The Clerk may suspend, revoke, or restrict a license and require the removal of a licensee or an employee of a licensee for a violation of this chapter. The Clerk may impose civil fines, in the amount to be set by City Council Resolution, for each violation of this chapter, rules, or order of the City Clerk. In addition, a license may be suspended or revoked for any of the following reasons:

(1) Any conviction for or guilty plea to a felony involving controlled substances or assaultive crimes by a licensee or any stakeholder of the occurring: (a) prior to being issued a license; or (b) while licensed under this chapter;

(2) Commission of fraud or misrepresentation or the making of a false statement by the licensee or any stakeholder of the licensee while engaging in any activity for which this chapter requires a license;

(3) The licensee's operation is determined by the City to have become a public nuisance;

(d) A license issued under this chapter may be revoked after an administrative hearing at which it is determined that any grounds for revocation under Subsection (c) exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the Licensee at least five days prior to the date of the hearing, by first class mail to the address given on the license application or any address provided pursuant to Section 1300.03(g).

(e) The City Clerk may designate a Special Hearing Officer to conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to the exercise and discharge the powers and duties of the clerk under this chapter.

(f) Suspension or revocation of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or revocation or any other code violations not protected by the Act.

(g) Each day that a licensee shall conduct an operation, whether it be facility, provisioning center or home cultivation related, without a license or allow, operate, or assist in said unlicensed operation shall constitute a separate offense.

(h) If a licensee has ceased business operations for 60 consecutive days, the licensee shall return the license to the City Clerk. If the licensee demonstrates good cause and all required fees are paid, the Clerk may place the license in escrow for up to 1 year. To remove a license from escrow, the licensee must submit the Clerk with a written request and any other information required by rule.

1301.10 PENALTIES AND DISCIPLINE

(a) The city of Lansing may require an Applicant or Licensee to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this chapter. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.

(b) Any person in violation of any provision of this chapter shall be subject to a civil fine. Increased civil fines may be imposed for repeated violations of any requirements or provisions of this chapter. As used in this section "repeat offense" means a second or any subsequent infraction of the same requirement or provision committed by a person within any 12-month period and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided in this chapter or any other ordinance for a Municipal Infraction, the increased schedule is as follows:

1. _____, plus costs the first infraction;

2. A fine of any offense which is a first repeat offense shall be not less than _____ dollars, plus costs.

3. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than _____ dollars plus costs.

(c) All fines imposed under this chapter shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order. If the licensee fails to pay any and all fines within 45 days, the clerk may initiate revocation/suspension proceedings.

1301.11 -NO VESTED RIGHTS

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this chapter or any amendment of this chapter.

1301.13 -SEVERABILITY

1 If any clause, sentence, section, paragraph, or part of this chapter, or the application thereof to any
2 person, legal entity, or circumstance, shall be for any reason adjudged by a court of competent
3 jurisdiction to be invalid, the application of such provision to other persons, legal entities or
4 circumstances by such shall be confined in its operation to the part of the this chapter directly involved
5 in the case or controversy in which such judgment shall have been rendered and to the person, legal
6 entity or circumstances then and there involved. It is hereby declared to the legislative intent of this
7 body that the chapter would have been adopted had such provision had not been included in this
8 chapter.

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